

ZB# 96-29

Carmen Monaco

13-2-2,3,20,22

#96-29-Monaco, Carmen.

use/area (lot line chg)

13-2-2,3,20,22

Prelim.

May 13, 1996.

Need copy of:

- ① Photos of
- ② Copy of Deed
- ③ Title Report
- ④ fees if paid if any

2nd Prelim.

June 10, 1996

Motion to Schedule P.H.
(Legal Notice)

Public Hearing:

August 12, 1996.

Use & Area

Variances

Granted

13-2-2,3,20,22

Final decision done.

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

15499

May 8 19 96

Received of

Active Auto Sales Inc.

\$ 150.00

One Hundred Fifty and 00/100 DOLLARS

For

Zoning Board #96-29

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>CP# 4577</u>		<u>\$150.00</u>

By

Dorothy N. Hansen

Town Clerk

Title

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Monaco, CarmenFILE # 96-29RESIDENTIAL: \$ 50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒USE ☒APPLICATION FOR VARIANCE FEE \$ 150.00 #4577

* * * * *

Paid 6/8/96.

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00 #4578

Paid 5/8/96

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE	5/13/96 - 16 pages	\$ <u>72.00</u>
2ND PRELIM. MEETING - PER PAGE	6/10/96 - 9 pages	\$ <u>40.50</u>
3RD PRELIM. MEETING - PER PAGE	8/12/96 - 37 pages	\$ <u>166.50</u>
PUBLIC HEARING - PER PAGE		\$ <u> </u>
PUBLIC HEARING (CONT'D) PER PAGE		\$ <u> </u>
TOTAL		\$ <u>279.00</u>

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING:	5/13/96 - 35.00	\$ <u>35.00</u>
2ND PRELIM.	6/10/96 - 35.00	\$ <u>35.00</u>
3RD PRELIM.	8/12/96 - 35.00	\$ <u>35.00</u>
PUBLIC HEARING		\$ <u> </u>
PUBLIC HEARING		\$ <u> </u>
TOTAL		\$ <u>105.00</u>

MISC. CHARGES:

TOTAL	\$ <u>384.00</u>
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LESS ESCROW DEPOSIT	\$ <u>500.00</u>
(ADDL. CHARGES DUE)	\$ <u> </u>
REFUND DUE TO APPLICANT	\$ <u>116.00</u>

(ZBA DISK#7-012192.FEE)

Date August 28, 1996.

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Carmen Machado DR.

292 Prospect Hill Rd.
Newburgh, N.Y. 12550

Charge: ZBA

[illegible]

ACTIVE AUTO SALES, INC.

120 WALSH RD.
NEW WINDSOR, NY 12553

4577

50-7099/2219

DATE 5-7-96

PAY TO THE ORDER OF Town of New Windsor

\$ 150.00/100

One hundred fifty and 00/100

DOLLARS

POUGHKEEPSIE
SAVINGS BANK, FSB

NEWBURGH OFFICE
136 LAKE STREET, SUITE 10
NEWBURGH, NEW YORK 12550

FOR ZBA #96-29



⑈004577⑈ ⑆221970993⑆ 8701400760⑈

ACTIVE AUTO SALES, INC.

120 WALSH RD.
NEW WINDSOR, NY 12553

4578

50-7099/2219

DATE 5-7-96

PAY TO THE ORDER OF Town of New Windsor

\$ 500.00/100


Five hundred and 00/100

DOLLARS

POUGHKEEPSIE
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NEWBURGH OFFICE
136 LAKE STREET, SUITE 10
NEWBURGH, NEW YORK 12550

FOR ZBA #96-29



⑈004578⑈ ⑆221970993⑆ 8701400760⑈

In the Matter of the Application of

CARMEN MONACO

#96-29

**MEMORANDUM OF
DECISION GRANTING
USE & AREA VARIANCES**

WHEREAS, CARMEN MONACO, of 120 Walsh Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for the following: Lot #2-Use variances for multi-family, service establishment, used car sales, area parking spaces. Lot #3: Proposed 11,580 s.f. lot area, 41.31 ft. lot width, 35 ft. front yard, 11.5 ft. side yard, 19.3 ft. total side yard, 1.31 ft. required frontage, 21%developmental coverage for lot line change, three lots from four, at the above location in an R-4 zone; and

WHEREAS, a public hearing was held on the 12th day of August, 1996 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board for this proposal himself and by William Hildreth, L.S. and Daniel J. Bloom, Esq.; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a mixed residential and commercial property on which there are a number of uses located in a mixed residential and commercial zone.

(b) The Applicant seeks a number of bulk variances in order to effect a lot line change to make the lot lines more compatible with the existing uses and also seeks a use variance for multi-family use for the site.

(c) The other uses for the site appear to be pre-existing zoning.

(d) The property in question is comprised of four separate tax lots. The proposed lot line change will convert those four lots into three lots if granted.

(e) At the time of the purchase by the present owner, this property contained a single-family residence, three mobile homes and a large frame structure that contained some apartments, a machine shop and two garages. Since that time as a result of an Order to Remedy issued by the Town of New Windsor, two more apartments were constructed in the large frame building.

(f) The remaining former garage is vacant and has no tenant. The Applicant asks permission to install a fifth apartment in that space.

(g) The Applicant's purpose in seeking bulk variances to facilitate lot line changes is to "clean up" some encroachment over the existing property lines as they existed when the present owner purchased the property. It is also designed to separate the uses so that it will not be a mixed residential and commercial use on a single tax lot.

(h) The footprint of the property and its over-all layout will not change if variances are granted and the existing uses of the property will not change with the exception of the addition of a fifth apartment.

(i) The appearance of the property has greatly improved since the time it was acquired by the present owner, the Applicant herein.

(j) The property as it existed when the Applicant purchased it contained a machine shop, two apartments, an auto repair shop and an auto detail shop. The commercial uses were noisy, unattractive and incompatible with residential use. By this Application the Applicant seeks to permit more residential use and to eliminate the possibility of these noisy and unsightly commercial uses.

(k) An Affidavit was produced from a prior owner and occupant of the property showing that the property was used in part as an automobile repair shop since well before the enactment of the Zoning Code.

(l) A second Affidavit from a second deponent came from the wife of a person who used to sell cars on the property again establishing that that use pre-dated zoning.

(m) It appears that the trailers to the rear of the property have been there since the enactment of the Zoning Code. The location of the proposed fifth apartment would be contiguous to the existing four apartments and consistent with that existing usage.

(n) The state and local Fire Code prohibits maintaining an automobile repair shop next to a residence so the existing shop could not be used for any purpose in which an automobile is

brought into the shop including the former automobile glass business, making a use as an apartment the only available use for that portion of the property.

(o) It appears that it will be permissible to expand the existing apartments into the space proposed for the new apartment and, therefore, the building would be entirely used for residential use.

(p) Not only is commercial usage involving the driving of an automobile prohibited by State Code but the physical layout of the site would prohibit the Applicant from providing the parking called for by the New Windsor Zoning Code for a commercial use.

(q) Although variances are requested for the number of parking spaces that are allowed it appears that given the present uses of the property, the supplied parking is adequate and that there is no parking on the adjacent roadway.

(r) An Affidavit was presented from the Applicant's CPA containing a cash flow analysis concerning the income producing structures on the properties and it shows a substantial monetary loss to the Applicant if the requested use variance is not granted, so that that property cannot be operated so as to produce a profit and is, therefore, not desirable or valuable without the variance.

(s) The property is too small and unsuited for the other possible uses listed in the R-4 zone making the only possible use of this property as residential.

(t) Testimony was received from a certified real estate appraiser on behalf of the Applicant. The testimony of the real estate appraiser showed that without the requested use variance the owner of the property, in this case the Applicant, cannot realize a reasonable return from the property since he would be unable to realize a profit yearly much less be able to amortize the \$165,000. purchase price of the property.

(u) It appears that if the use variance applied for were denied, the property would be worth approximately \$33,400. The income from the other properties, e.g. the trailers, was not calculated into this since there is only one lot on which a use variance is sought and these other uses are not contained on that lot.

(v) According to the Building Inspector, it is not technically feasible for the Applicant to remove that apartment and put in a one-family home and that use under the Zoning Code is not feasible.

(w) Although the lot on which the single-family home is presently located is already substandard and the requested variances if granted would increase the degree by which this lot is substandard, it appears that the new lot is more desirable than the existing lot, even considering the reduced size and there will have no impact on the neighboring properties.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the

following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted because the appearance of the properties will be unaffected and the benefits in realigning the lot lines to conform with the existing uses of the properties far outweighs any possible detriment.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created in part because he is reordering and realigning the existing property but is not self-created in that the affected properties do not increase nor does the footprint of the structures located thereon increased inspite of the requested variances. Variances should nevertheless be granted.

6. The benefit to the Applicant if the requested variances are granted, if granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

9. The Applicant cannot realize a reasonable return on the property without the granting of a use variance for the installation of two more apartments. That lack of return is substantial as demonstrated by the competent financial evidence presented by the testimony of Applicant's expert.

10. The hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood since this property is unique and there is no other property to the knowledge of the members of the Zoning Board of Appeals either in this district or without the district like this property.

11. The requested use variance if granted will not alter the essential character of the neighborhood since that character is as a mixed commercial and residential use and such proposed use would be consistent with the residential use in the neighborhood.

12. The alleged hardship has not been self-created because the minimum area requirements of the Zoning Code and the requirements of the state and local Fire Codes prohibit any other use other than for which this variance is sought.

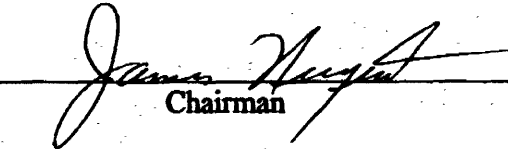
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT the variances requested in the first paragraph above listed, at the above location, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: December 9, 1996.


Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

96-29

Date: 5/8/96

I. Applicant Information: CARMEN MONACO

(a) 292 PROSPECT HILL ROAD NEWBURGH, N.Y. 12550 563-0305
(Name, address and phone of Applicant) (Owner)

(b) N/A
(Name, address and phone of purchaser or lessee)

(c) DAN BLOOM 530 BLOOMING GROVE TURNPIKE NEW WINDSOR, N.Y. 12553 561-6920
(Name, address and phone of attorney)

(d) GREGAS & HEDRETH 33 QUASSACK AVE NEW WINDSOR, N.Y. 12553 562-8667
(Name, address and phone of ~~contractor/engineer/architect~~
SURVEYOR)

II. Application type:

☒ Use Variance

☐ Sign Variance

☒ Area Variance

☐ Interpretation

III. Property Information:

(a) R-4 120 WALSH AVE 513 B2 21,690 S.F.
(Zone) (Address) LOTS 0.5 AC.
(S B L) (Lot size)

(b) What other zones lie within 500 ft.? PI

(c) Is a pending sale or lease subject to ZBA approval of this application? NO SALE - POSSIBLY A LEASE

(d) When was property purchased by present owner? 1988

(e) Has property been subdivided previously? NO

(f) Has property been subject of variance previously? NO
If so, when? N/A

(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? YES

(h) Is there any outside storage at the property now or is any proposed? Describe in detail:

TEMPORARY VEHICLE PARKING

IV. Use Variance. SEE ATTACHED REFERRAL FROM PLANNING BOARD

(a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:

(Describe proposal) MULTI-FAMILY (5 APARTMENTS)

USED CAR SALES & OFFICE

PARKING VARIANCES

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

WITH THE EXCEPTION OF THE ADDITIONAL APARTMENTS, ALL USES PRE-DATE ZONING.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: SEE ATTACHED REFERRAL FROM PLANNING BOARD

(a) Area variance requested from New Windsor Zoning Local Law, Section , Table of Regs., Col. .

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>15,000 SF</u>	<u>3420 SF</u>	<u>11,580 SF</u>
Min. Lot Width <u>100'</u>	<u>58.69'</u>	<u>41.31'</u>
Reqd. Front Yd. <u>35'</u>	<u>0</u>	<u>35' (EXST. COND.)</u>
Reqd. Side Yd. <u>15'/30'</u>	<u>3.5'/10.7'</u>	<u>11.5'/19.3'</u>
Reqd. Rear Yd. <u>40'</u>	<u>42'</u>	<u>—</u>
Reqd. Street Frontage* <u>60'</u>	<u>58.49'</u>	<u>1.31'</u>
Max. Bldg. Hgt. <u> </u>	<u> </u>	<u> </u>
Min. Floor Area* <u>N/A 1000 SF</u>	<u>1069 SF</u>	<u>—</u>
Dev. Coverage* <u>30 %</u>	<u>57 %</u>	<u>27 %</u>
Floor Area Ratio** <u>N/A</u>	<u> </u>	<u> </u>
Parking Area <u> </u>	<u> </u>	<u> </u>

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

THIS PROPOSAL WILL ELIMINATE ENCROACHMENTS OF USES OVER BOUNDARY LINES.
EXISTING CONDITIONS CAN NOT BE MITIGATED BECAUSE OF LIMITED PROPERTY
SIZE. USE AND APPEARANCE OF PROPERTY IS AND WILL REMAIN CONSISTANT
WITH NEIGHBORHOOD.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law,
Section _____, Table of _____ Regs.,
Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

SITE CURRENTLY HAS FENCING AND OTHER SCREENING AND IS KEPT NEAT AND CLEAN.

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ✓ Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- ✓ Copy of deed and ~~title policy~~.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- ✓ Two (2) checks, one in the amount of \$ 150 and the second check in the amount of \$ 500, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

Date: 7 May 1995

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

7th day of May, 1996.

(a) Public Hearing date:

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

_____.

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE # _____

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

CARMEN MONACO, deposes and says:
I am the OWNER of a certain parcel of land within the TOWN OF NEW
WINDSOR designated as tax map SECTION 13 BLOCK 2
LOTS 2, 3, 20 & 22. I HEREBY AUTHORIZE WILLIAM B. HILDRETH
of GREVAS & HILDRETH LSPC (company name) to make an
application before the ZONING BOARD OF APPEALS as described in
the within application.

Dated: 7 MAY 1996.


(Signature of Owner)

Sworn to before me this

7th day of May, 1996.


Notary Public

RUTH J. EATON
Notary Public, State of New York
Qualified in Orange County
No. 4673512
Commission Expires October 31, 1996

(ZBA DISK#1-060895.PXY)

8/26/96

TO Roberta O'Rourke North Drury Lane
Newburgh Ny 12553

[illegible]

MONACO

MR. TORLEY: Our second public hearing is for Carmen Monaco referred by the Planning Board for the following, lot number 2 use variances for multi-family, service establishment, used car sales, area parking spaces. Lot number 3, proposed 11,580 square foot lot area, 41.31 foot lot width, 35 foot front yard brings us 11.5 foot side yard, 19.3 foot total side yard, 1.31 feet required frontage, 21 percent developmental coverage for lot line change, three lots from four, at Walsh Avenue in an R-4 zone. Mr. Hildreth?

MR. HILDRETH: I just want to post a map. While I'm doing this let me introduce myself formally and the people that are with me here. My name is Bill Hildreth. I am a land surveyor with Grevas and Hildreth. I prepared the site plan and lot line change plan that I am going to post.

Also here with me tonight is the owner and applicant of the property, Carmen Monaco, his attorney, Mr. Dan Bloom. Eldred Carhart, who has prepared an appraisal for the property. Does everyone have plans? I have extra if you would like them in front of you.

Okay, very briefly I'm going to give some particulars about the site, a little bit of history and then I'm going to turn it over to Mr. Bloom. This public hearing this evening is for a site plan and lot line change. It's a two-pronged application. The lot line change requires bulk variances and the site plan is going to require a use variance for multi-family. The other uses that this site has been, and are proposed to be used for we will demonstrate that they are preexisting as in the used car sales. And I forget what else was listed in the notice.

But, in any event, the issue tonight is the use variance for the multi-family for the site plan and the bulk variances for the lot line change. This property is located between Walsh Road and Clancy Avenue. Just southeast of Carl Street. It has frontage on both Clancy Avenue and Walsh Road. It's in an R-4 zone. Directly across

Walsh Avenue from this site is a P.I. zone. So it borders on that zone. Mr. Monaco purchased this property in 1988. It's four separate tax lots. I will interject at this point that the lot line change is proposing to change those four tax lots into three. We'll talk about that a little more later.

At the time of purchase it contained a single family residence. It contained three mobile homes and a large framed structure here that at the time had some apartments, a machine shop and at least one garage.

MR. MONACO: Two garages.

MR. HILDRETH: Two garages. In 1992 Mr. Monaco was issued an order to remedy because of the installation of two more apartments in that large framed building. So there are now a total of four apartments in there. One of the things that are before this board tonight to consider is a request for a fifth apartment. The four apartments are already put into a multi-family category.

At the time he was issued the order to remedy this plan was generated in an attempt to address that because we had to go to the Planning Board. All site plan issues had to be addressed. At that time what shows up now is the proposed apartment. Basically the middle of this site was an auto glass detail shop. A great deal of time and money and meetings with the building department, fire department, town attorney, was gone through in an attempt to salvage that tenant for Mr. Monaco. The end result was that use and virtually no other use either was compatible with multi-family. So, the tenant has vacated. The space is now vacant and unused and not collecting any rent. The only sensible alternative was to request a fifth apartment there which would make this all multi-family. It's the only compatible use that seems available. That allows us to go to the Planning Board which referred us to the ZBA.

Getting back to the lot line change very briefly, the proposal is to take four existing

tax lots and turn them into three. The reason for that is we want to separate the uses and cleanup some encroachments over property lines that were there when Mr. Monaco bought it. In so doing we are making the single family lot which was already substandard. Again, you just heard of another problem in this particular neighborhood the lots are very, very small. We're taking that lot and maybe make it smaller square footage which is going to require some bulk variances. However, we are cleaning up an encroachment from a couple of mobile homes and then we are combining the remaining property to contain all of the uses that are associated with the large structure which is the apartments and auto sales, and office for the auto sales.

I'm prepared at this point to turn it over to Mr. Bloom. There is a lot of issues that we want to try to make sure that the board understands.

Are there any questions on what I have gone over so far? Okay, everybody understands the nature of the lot line change and why. Mr. Bloom? I will remain available for questions, by the way.

MR. REIS: I have got a real quick question existing now is four lots?

MR. HILDRETH: There are currently four tax lots. If you refer to the location plan you could see the configuration. Basically it's a rectangle and you just divide it equally into four.

MR. REIS: Thank you.

MR. BLOOM: Good evening, ladies and gentlemen. As Bill indicated before I'm Dan Bloom and I represent Mr. Monaco on this application. With the chairman's permission I'd like to present some photographs at this time. Before doing that I'd just like to indicate that on the inside of the blue cover there are two obviously older photographs. They were taken in 1988 at the time that my client, Carmen

Monaco, purchased the property. He purchased this property from his relatives in 1988. Although he had been there. I'll discuss further, much longer than that he actually purchased in '88. At the time of his purchase in conjunction with the appraisal had to be done for the bank two photographs were taken. I ask you to look at these two photographs and then to thumb through the remaining photographs which were taken within the last two weeks. They are all shots of the premises which completely depict all of the elements of this complex design. The complex is an understatement for sure. But I think it will give you an appreciation of what we're really talking about. We're talking about a very small piece of property, about a half acre on which we have all of these uses. And obviously the first thing you're going to say to yourself is my god, we had all of these uses and now we want to add another apartment, where are the people coming from. I'm going to try to methodically demonstrate to you gentlemen what has occurred here.

My client, Carmen Monaco, although he bought it in '88, operated his used car business there. Actually sold cars there since 1974. So it was a logical progression for Carmen when he had the opportunity to buy the property on which he works since he was 16 years old and develop it into his dream, which was to sell cars. High class cars, high class operation. When you see these photographs you'll see what I mean. So if I may, Mr. Chairman, present this. So, going back to what I was saying, Carmen came on the scene as a teenager in 1974 to sell cars at the age of 16 and let me dispel a couple of perhaps prejudices we may all harbor concerning used cars. Carmen's operation isn't the classic used car operation. He doesn't sell retail. He sells wholesale. I must admit I was a bit taken aback by that concept myself. I didn't really understand what's the difference between used car sales, wholesale and retail. So I went over and I actually saw the operation. It's very interesting. He indicated to me he'll only handle maybe four,

5 five, six, seven cars a day. He will arrive in the morning and they're gone by night. It's an interesting operation. It's very clean. It's a very clean operation. So when he arrived on the scene and worked for someone else there originally of course selling cars, and he had the opportunity to buy the business, he then, as soon as he bought it in 1988, embarked upon this campaign as soon as he could afford to do so to improve it.

You'll notice from the photographs what it looked like in '88, what it looks like today. He began immediately by sprucing up the car lot. He began thereafter by macadamizing the back of the car lot. If you walk back there you would be surprised at how beautifully it's maintained. He refurbished the existing apartments. He added apartments to it. We'll come back to that. He added apartments, quite frankly, without doing it the right way, without getting building permits. We'll deal with that later. He did, and he did it in a classy style which is his style.

Let us talk a little bit about what was there when he first purchased it. You can see what was there. But what was in that building was a machine shop, two apartments, an auto repair shop and an auto detail shop. Basically dirty operations with people living there. Two legal preexisting apartments, dirty operations around them. When the opportunity arose for Carmen to get rid of the machine shop, get rid of the auto repair shop, get rid of the auto dealer shop and put in instead something clean, more apartments. And in one instance an auto glass repair shop which was neat, and we'll come back to that. He took that opportunity to do so. Did he get a building permit? No, he didn't. That's why we're here this evening. To that extent the hardship we're talking about tonight was self-created. That's a given. If the definition of self-created hardship is the literal definition that I take the hammer and nails and I hire the subcontractors and I construct something that I don't have a building permit for then that's self-created, and Carmen did it.

But I respectfully suggest to you gentlemen that the approach that should be taken under the circumstances with my client is did he undertake to put those apartments in there as a rouse or to defraud the Town of New Windsor or was it his intent to do something better. Understand, he could have gone back there and he could have refurbished the existing auto repair shop. He could have refurbished the machine shop. He could have made them better shops, but he didn't do that. Two reasons, number one, it's not, wasn't consistent with his understanding of a classy operation. Number two, it wasn't consistent with the existing tenants in the building. They have been living around auto repair shops and machine shops. So instead we have where the machine shop was in the front, we've got a sewing machine shop.

I went in and saw this shop. It's not the typical sewing machine. This lady makes curtains. Not the kind of curtains you'd expect your wife would stop by and buy. She makes curtains by catalogue. She is, she makes them for the designers, Ralph Lauren, Calvin Klein. Classy operation. You never see her. There's no parking. There's no sign. She's just there. She does her thing and she goes home.

So Carmen did create the hardship if we want to take the literal approach. I respectfully suggest that what he tried to do and what he in fact achieved was an improvement of the Town of New Windsor and his neighbors.

Now, I'd like to present to the Chairman at this time, if I may, two affidavits. One signed by Elaina Polumbo, which, and I won't read it verbatim, which in effects states that she lived at the premises near by the premises since she was a child and that she in fact sold the premises to Carmen. While she was a child her grandfather sold automobiles from this location.

I have an affidavit from Ms. Mary Farasella, who indicates that her husband was in fact the gentleman who sold the automobiles during this period of time. Owned this property.

6 Basically to indicate that this use, this car sales use has been there almost from time and memorial. Has it been changed since Carmen came on the scene? I respectfully suggest it has drastically been changed for the betterment, the presentation. The view in terms of the Town of New Windsor is dramatic. May I present those, Mr. Chairman, at this time?

So, to reiterate, the terms preexisting, when Carmen came on the scene in '88 the car sales office was there. When Carmen came on the scene the residence was there. We want to change the line and we want to make the lot line around the residence closer to the residence, but we want to do it as Bill Hildreth said before, to cleanup the usage so we can get all of the uses residential on one tax lot, the other uses on the other tax lot and now address the issue of the preexisting mobile homes in the back.

There are at the present time three existing mobile homes on a separate tax lot in the back that faces on Clancy. They're inhabited by senior citizens who have been there for many, many years. Charged minimal rent. They park off the maintained road on what is town property, but not maintained property, not town maintained. Carmen plows it, has plowed it ever since he's owned the property. Has more than adequate off street parking for it. I respectfully suggest that it should be considered a preexisting nonconforming use at this time.

In fact, there were four of them there at one time. There is only three at the present. Again, I walked the property. Beautifully maintained, very neat. I walked the property, and it might save the whole neighborhood. I'm not here to cast dispersions, but I dare say that certainly Carmen has nothing to be ashamed about in comparing his property with anything else in the neighborhood.

While we're on that issue, as we all realize we've got to make a determination if we are going to make this application, and if this board grants it we've got to be convinced that

the granting of this variance will not adversely impact upon the neighborhood at large.

I respectfully suggest, again, those photographs bear witness to the fact that not only would granting of this variance not change the neighborhood, from a detrimental point of view, but would actually enhance it.

Now, as Bill said before we're presently using it for four apartments and the one sewing shop on this big lot. We want five apartments.

Now, why are we here seeking the fifth apartment? Because as Bill said before we had a glass shop next to Carmen's auto sales shop. It was contiguous, attached to the apartment. I became involved with Carmen when that became an issue and the violation issued to him approximately two, two and a half years ago, maybe it's three years ago now. At that time the concern of the town, fire code department was that having the auto glass shop attached to the residential structures was a violation of the state fire code. Carmen spent literally thousands of dollars because he had a written lease with this glass shop operator to keep him there. The man had no place to go. Spent thousands of dollars seeking variances from the State of New York, meetings at the town hall, all to no avail. Finally the lease came up and just decided that's it. We're going to withdraw it, it's vacant and it's been vacant. So the building sits vacant now. We're here this evening to ask permission to convert it from what was a glass shop to an apartment totally consistent with the other apartments that Carmen has built. If you see them you know the quality of his operation. Would it be consistent with what's there already? I respectfully suggest that it would be very consistent because we have the other four apartments contiguous to it.

MR. LANGANKE: You're asking for a use variance on this apartment?

MR. BLOOM: Yes, we are, sir. Multi-family housing is not permitted in the R-4 zone.

MR. TORLEY: By fire code what would be permitted? You said you had trouble with the fire department and state.

MR. BLOOM: That's correct.

MR. TORLEY: For the glass. What use would be permitted?

MR. BLOOM: This in my opinion, I'll defer to Bill on what would be permitted from the fire code point of view, although let me take it back. If a variance is granted here Bill tells me that he's got a shopping list of fire code upgrades that they have to go through with the Planning Board and intend to meet. But in general if we seek, we are granted permission to put this apartment in we will not have the other problem we had with the glass because that is the state violation there. And the problem with that is the state code says you cannot have any type of operation where you have gasoline engines in a building contiguous to a residence. That was the problem.

MR. HILDRETH: Multi-family residence.

MR. BLOOM: Even they weren't there overnight. You can't take the automobile into that building if it's next to a multi-family residence. So that's out completely. The apartment would not present that problem.

MR. TORLEY: But a permitted use in the zone can be for some other shop like structure, you know, use?

MR. HILDRETH: We could not come up with a tenant of any kind for business or whatever that would be compatible with the multi-family. Because it's next to a multi-family it severely restricts. Again, Mike can help me out on this --

MR. BABCOCK: The property is --

MR. HILDRETH: -- different C type uses.

MR. BABCOCK: That's under state code. The property is located in an R-4 residential zone. I think maybe that will clear what you're saying.

MR. LANGANKE: I'm still not clear why we need a variance if we have a residential building.

MR. BABCOCK: R is a single family residence use.

MR. LANGANKE: We already have how many apartments? Four.

MR. BABCOCK: Two apartments were there, Herb. Two apartments were preexisting. We have no question, no doubt they can stay there forever. He added two. That's basically what started the ball rolling tonight to get him to this point.

MR. LANGANKE: Does he need permission?

MR. BABCOCK: The problem was, what we were reviewing it to see was if the two were okay. We did and we said yes. I guess there was a few little changes.

MR. LANGANKE: Four are okay.

MR. BABCOCK: They are okay, but he needs a variance for those. Then when we reviewed it the New York State codes look at a repair shop as an automobile repair. You cannot have that with multiple family. So we told Mr. Monaco that had to go. So he did that, he got rid of the tenant. Now he has an empty portion where it says proposed apartment. He has an empty portion of that building that under state code there's nothing we're going to let him use that for other than this apartment.

MR. LANGANKE: It's a taking of property then?

MR. BABCOCK: It's a state code that says you can't do that.

MR. TORLEY: It was built without permitted, the building was, am I correct in my reading here, that this proposed, where you're saying proposed apartment and used car sales office, those structures were put up after zoning?

MR. HILDRETH: No, those structures were there when he purchased it in 1988.

MR. MONACO: And long before.

MR. HILDRETH: He has added no square footage to this property at all.

MR. BLOOM: The footprint of this entire establishment has not changed when he purchased the property.

MR. TORLEY: Because I'm reading from a letter dated March 4, 1996 the second paragraph, also be advised that the assessor's record also indicates the construction of an addition, one story block building, without a building permit. That was also --

MR. MONACO: I did not change anything.

MR. HILDRETH: That's not entirely correct. That building was there.

MR. BLOOM: It was used as -- what was it?

MR. MONACO: There was a tire shop there. There was a repair shop.

MR. BLOOM: If you read the affidavit, Mr. Chairman, that I presented by Elaina Polumbo, she addresses the fact that prior to the time she sold it to Carmen she had a tire sales operation in there.

MR. MONACO: And bike shop, active auto sales.

MR. BLOOM: But the buildings were always there.

MR. TORLEY: I'm just a little confused on

that. If we have the assessor's office saying the preexisting stuff is covered, but one story block building was put up without a building permit.

MR. HILDRETH: Unless it happened before he purchased it.

MR. MONACO: No, I have been there for 22 years, nothing has changed.

MR. TORLEY: Probably just our assessor's records.

MR. BABCOCK: The used car sales office, that was there. I think what might be confusing there, Larry, is that as you know there's four different tax lots there. So when the assessor does a search, and I am sure, I know that these buildings have been there myself, so there's definitely a mistake there somewhere. Apparently it also says that it's located partially on 13.2 and 3.

MR. TORLEY: If you look at the diagonal, the original layout of the tax lots just, that rectangle, that would be the case.

MR. CANE: Right, it goes on two different tax lots, the bottom of that.

MR. TORLEY: The gentleman has worked very hard on this property to clean it up. I have no problem. The lot line changes logically fit the structures that are there and cleans that up. The only trouble we're getting into is these are use variances.

MR. CANE: Everything is preexisting except for the one apartment which will make it the --

MR. TORLEY: Two apartments.

MR. CANE: -- two apartments. But you already have existing apartments that are preexisting. And what else, and I think Michael has addressed that, according to state code there

is not a heck of a lot else he can do with that particular building. He can't put businesses in there.

MR. BABCOCK: No.

MR. CANE: According to New York State law.

MR. TORLEY: I think we have to have, he is entitled to two apartments in this structure.

MR. CANE: Right.

MR. BABCOCK: That's what was preexisting, yes.

MR. TORLEY: Preexisting. So in theory he could expand the floor, the square footage of those two apartments to fill the rest of the structure?

MR. LANGANKE: If he wasn't concerned with the bottom line, and he if wasn't a businessman maybe he could do that.

MR. BABCOCK: The other problem that you run into with the apartment, with the apartment where he has a proposed, you need two parking spaces. If you were to make it an office out of that I'm sure he could build fire walls to make that an office. But he doesn't have anymore parking on this property for offices. That's where his problem is. He's got, all these buildings are there. He's just trying to utilize them in the best way to utilize them.

MR. LANGANKE: Also saying that he could make an office. There is so many empty office buildings around here now.

MR. BABCOCK: That's exactly right.

MR. LANGANKE: We are supposed to be dealing with reality, right?

MR. BABCOCK: That's what I am trying to say.

MR. TORLEY: We are also bound by the state

code on these things.

MR. CANE: Right, they haven't addressed that yet. We know it's a use and so far they have preexisting uses. Now, if they want to go ahead with the use variance, which they have to have to address the financial issue, which I think that gentleman over there is going to do.

MR. HILDRETH: If I may interject with respect to offices? In an R-4 zone there is precious few that are permitted, am I correct?

MR. BABCOCK: That's correct.

MR. CANE: It seems he is very limited at this time to make it anything but this. Which means he has to go through with the use.

MR. REIS: Do you have adequate parking for the potential additional apartments?

MR. BABCOCK: That's one of the requests, too. I don't know what the number was. Do you, Bill?

MR. HILDRETH: Depending on what the requirements are for what this meeting ultimately yields, we are going to need parking variances. If at a minimum it's two per apartment, we're going to need ten. For purposes of illustration I have shown parking spaces on this site plan. They don't conform. I have just done that to physically give the board an idea how many cars will fit. The reality is many more can be fit in there. Obviously he needs space to park these cars that he has in and out of there from time to time during the used car business. However, and Carmen can tell you this, that all of the apartment tenants have access to that lot and he's never had any problem with spilling out into the street. Never anybody parking in the street. The single family house and the mobile home parking take care of themselves. There is a preexisting single family home that has two spaces. We need variances against how many are

required for the apartments. At the minimum that's probably going to be ten. Factor in that other space, physical space is going to be taken up by the certain number of used cars. Five one day, eight the next, in and out.

MR. LANGANKE: Suppose that you are granted the variance and you have five apartments, so you need ten spots, how many do you have?

MR. HILDRETH: Okay, at that point again we would have --

MR. LANGANKE: I'm just asking you to jump ahead a little bit, that's all.

MR. HILDRETH: We can determine how many the site will actually hold in ten by twenty legal spaces and get a variance against that, which is probably the best way to go.

MR. CANE: What he has on the plan it looks like he has got eleven right there.

MR. HILDRETH: It shows nine in the rear parking lot.

MR. CANE: Then three up in the front.

MR. HILDRETH: Those three up in the front don't comply. The nine in the back, you can very easily get nine legal spaces in the back. The problem you need is aisle space for turn around. He can actually tell them to park cars, get them in and out no problem. It doesn't meet ten by twenty spaces.

MR. LANGANKE: You might need one.

MR. HILDRETH: Or we might need ten. Just depends. I mean do you need that number? Let's see if it needs ten.

MR. LANGANKE: I'm just trying to get a concept for the whole thing.

MR. BABCOCK: Bill, I think what you are going

to have to do is you're going to have to, what Herb is asking is how many legal ten by twenty spaces can you put in because when you go back to the Planning Board, the Planning Board is going to say we want them legally ten by twenty whether he can double park them or not.

MR. HILDRETH: I can tell you right now we can get ten in this area. But that doesn't account or take into account where he has to park his used cars. Because that's the lot he also uses to keep the used cars in. They don't stay there long. If he doesn't get rid of them he has another parking lot on the property elsewhere.

MR. CANE: Is there a requirement for him as a business with used cars to have X amount of parking spaces?

MR. MONACO: No, not to my knowledge.

MR. LANGANKE: Well then.

MR. BABCOCK: But it's a common thing if somebody wants to open up a used car lot you need a place to put it.

MR. MONACO: There are a lot of people now with this Newburgh auction that have car lots out of their house. You've seen signs. Everybody has a dealer's license today.

MR. BABCOCK: Right.

MR. MONACO: There's no requirements as far as New York State.

MR. CANE: Quassaick did that and blows them in on Wednesday nights.

MR. BABCOCK: Can we put a number on it or does that come later?

MR. HILDRETH: Number of required spaces or number he needs to operate his business?

MR. BABCOCK: I think number required is what we should do. Is that what you're asking, Herb?

MR. LANGANKE: I'm trying to get an idea, a concept of the whole. If we give him the fifth one and he says okay, I need ten spots and I don't have any, I mean that's going to influence our thinking.

MR. HILDRETH: We could accommodate the five apartments.

MR. LANGANKE: Okay.

MR. HILDRETH: The problem with that in conjunction with, I mean I don't want to, you know, not give you all the information.

MR. LANGANKE: Let's not beat it to death. Okay, proceed.

MR. TORLEY: There's one question that has come up on this since Pat has pointed out to me the advertising does not discuss parking at all.

MR. BABCOCK: Sure it does. The denial does.

MS. BARNHART: Talking about the legal ad.

MR. TORLEY: Public notice. If it's not in the public notice are we allowed to consider it? I haven't seen the printed ad. It must be here some place. I am not trying to throw up a roadblock, I want to make sure we have done it right so nothing comes back to bite us.

MR. BABCOCK: It's on the denial and it's on the agenda for parking spaces. I don't know, I guess they made that up.

MR. KRIEGER: It's considered in multifamily use, which I understand is being --

MR. HILDRETH: What about the sections?

MR. KRIEGER: If it were an independent matter, no.

MR. TORLEY: I just wanted to make sure that was put on.

MR. BLOOM: Bill, are you complete or did you want to make a few more comments?

MR. HILDRETH: I'm done.

MR. TORLEY: We wanted to ask one, as you go through there to think of this to address it, again, we are bound by the code on the use variance, they made them extraordinarily difficult.

MR. BLOOM: Sure.

MR. TORLEY: Speak to why the vacant space cannot be used and to expand the floor space of the existing apartment so you would not be requiring the variance or pick a use variance here.

MR. BLOOM: Well, to be honest with you I don't think that my client even approached it from that point of view of increasing the size of the existing apartments. I think it's a matter of practicality. But on that issue I think what I would do, with the Chairman's permission, I'd like to address that question to our expert this evening, Mr. Carhart. Do you wish that? I was going to have Mr. Carhart address you.

MR. TORLEY: Go with your floor. I want you to address that when it comes to that time.

MR. BLOOM: This way I feel it would be more appropriate to come with Mr. Carhart who can speak with some authority. All right, at this time if I may, Mr. Chairman, I'd like to present to the Chairman an affidavit signed by Phillip A. Larocco. Mr. Larocco is the certified public accountant for Mr. Monaco for many years. He's prepared an affidavit and cash flow analysis concerning the income producing structures on these properties. I'm not going to bore you with the details. But

suffice it to say that I respectfully suggest it shows a substantial monetary loss to Mr. Monaco if the variance is not granted. We'll come back to this because the information contained on the cash flow analysis is going to be dealt with more particularly with, by Mr. Carhart when he presents, makes a presentation to the board in a few moments. If I may present that to the Chairman, please.

Then I'd look to address, if I may, the, as you know, the use variance we've got to address other possible permitted uses in the zone. To that end I'd like to refer the table to the R-4 permitted uses. Again, I don't want to bore the members, but suffice it to say looking through it it appears that the only permitted use, I mean for example, it opens up with the following commercial agricultural operations and accessory uses there, provided there shall be no storage, etc.. But then you look at the minimum lot area it's five acres. We're dealing with a half acre. The next category is three acre minimum. Then it's fifteen acres. Then it's 43,560 square feet. Of course we're still half acre. Then it's 21,780 feet and that's for one family detached. But, again, we're just under that. Then finally drops down to 15,000 square feet which he would qualify for, but that's a one family single detached structure. Which would just be economically totally unfeasible to consider under the circumstances.

Then it goes over to the final pages calling for ten acres and twenty acres and three acres. So what I'm saying is gentlemen, I'm respectfully suggesting that it's just not practical to approach this board and ask for a permitted use or a variance or permission to operate any other type of commercial enterprise on these particular premises.

Now, finally I'd like to have permission, Mr. Chairman, to qualify Mr. Eldred Carhart as an expert in the area of real estate appraisal and commercial analysis of cash flow and net worth. And to that end with your permission I'd like to introduce him to the board and I'd also like to qualify him for the record.

Mr. Carhart? Mr. Carhart, for the record, would you please indicate any licenses that you hold in the State of New York?

MR. CARHART: I'm a licensed real estate broker and a licensed certified general appraiser in New York and Connecticut.

MR. BLOOM: Would you please state your general educational background for the board?

MR. CARHART: I have had extensive education in the matter of commercial real estate appraisal, as well as real estate sales.

MR. BLOOM: How many years have you been in the area of commercial real estate sales?

MR. CARHART: Thirty-five.

MR. BLOOM: How many years in the commercial real estate appraisals?

MR. CARHART: Thirty years.

MR. BLOOM: Can you give us an indication of some of the other commissions that you've undertaken with respect to such commercial appraisals, prior jobs?

MR. CARHART: I would say chairman of the appraisal department for Mid-Hudson Savings Bank. I was a senior commercial appraiser for First Fidelity Bank and First Union Bank. I was the owner of my own appraisal company for about fifteen years and now am back in business for myself again.

MR. BLOOM: Sir, did there come a time approximately two months ago that I contacted you and asked you if you could be retained for the purpose of representing Mr. Monaco on this application?

MR. CARHART: Yes, you did.

MR. BLOOM: Sometime prior to completing an analysis in that regard did I make available to

you information from Mr. Monaco's accountant, C.P.A., concerning the cash flow?

MR. CARHART: Yes, you did.

MR. BLOOM: Did you use that information from the accountant as well as other information of your own to reach an opinion with respect to the cash flow on the premises?

MR. CARHART: Yes, I did.

MR. BLOOM: At this point, Mr. Chairman, I respectfully suggest to this board that Mr. Carhart is a qualified expert in the field of commercial real estate appraisal. And I'd like him now to address the board on the issue of hardship and unreasonable return for the premises. Mr. Carhart?

MR. CARHART: Thank you very much. When Mr. Bloom contacted me a few months ago he asked me if I would prepare an analysis of the financial income and expenses for this property as it stood. And, also, what would happen to the financials of the property if this variance were denied. The idea of this analysis was to ascertain whether the denial of an application by the board would create a hardship to the property.

I have prepared an analysis. I have copies enough for everyone. If I can distribute those. On the first page where it says income we have the current income from the blind manufacturer which is \$5,400 a year and the auto glass spot which has been vacated since I prepared this, then three apartments which are bringing income, Patterson \$5,700, Sentimore for \$5,400 and Polumbo for \$3,600. The total income prior to the request for the variance is \$25,500.

Now, we're only speaking here of 120 Walsh Avenue. This does not include any of the surrounding properties, only 120 Walsh Avenue. If the variance is denied that income would be reduced from 25,500 to 16,500 and you can see the rentals that would remain. Only the blind

company, 5,400 which would be allowed to stay, Patterson and Sentimore's would be preexisting, so they would be allowed to stay. That would be the total income from this property. On the second page of the analysis are the expenses of the property. Again, before the request for the variance went in and then again if the variance is denied. Now, my numbers vary slightly from those that the accountant sent in. His were very, very conservative and they did not address issues that appraisers must address when we do an analysis. We have realty taxes and insurance. And the realty taxes and insurance would not be diminished immediately if the application were denied. Eventually, of course, Mr. Monaco would have no choice but to go in and ask the assessor for a reduction in assessment based on the fact that the income has been reduced. So eventually there would be a reduction in taxes and insurance, but not immediately. I have the water and sewer and the electricity and heat. The snow removal would not change by virtue of the fact that some of the property is vacated. Lawn care would not change. Maintenance repairs would be reduced substantially. These were, the expenses that were not addressed by the accountant, snow removal, lawn care, heat and electricity, advertising. I don't know how he missed legal and accounting because those were his fees. And professional management which even though Mr. Monaco manages his own property and doesn't have professional management it is appraisal practice to include an allowance for professional management and the preparation of this kind of a pro forma. Even though Mr. Monaco is doing it for himself his time is worth something, and it's the same time that somebody else like me would be charging him for. Also, in some of the other analyses there are some areas of quote "capital expenses". This is money that Mr. Monaco has spent to improve the property. For instance, I understand he just spent \$3,500 to repave the parking areas. There are, he had recently replaced some of the roofs and the heating

12 systems. But this is not a ticket type expense. This is not something that an appraiser can use. All we can use is what's called a reserve for these kind of capital expenses in the future. And so I've included here reserves for replacement in order for, to explain how this works. You'll see that the roof would cost \$2,500 to replace and it has a life expectancy of twenty years. So the allowance that's taken as an annual expense 120th of \$2,500 or \$125. You can see that the denial, if there is a denial of the request, it would have a very severe impact on the expenses of the property.

Then on the last page there's called a profit and loss statement based on before the variance and if the variance denied. You can see that the, on the line called net operating income, after the expenses are subtracted from the income the net operating income is reduced from \$8,875 to only \$3,507. Then when mortgage payments are deducted from those of course the mortgage payments don't go down. They create a loss and cash flow of \$7,774 before the request went in and 13,142 afterwards.

Now, I have also extended this analysis as far as the value of the property is concerned and the value before the variances requested and the value after the denial. If that's what happens it would result in a loss in value of this property of something like \$51,000 which would be a 60 percent loss to the value of the property. So the denial of the variance, in my opinion, would be a severe hardship to the property owner and so this is a result of my analysis. I stand by for any questions you may have.

MR. TORLEY: So what is the, if the variance is -- as it stands now, the existing, what is the value of the property, without the variances granted?

MR. CARHART: The value of the property based on its income, which is only one look at the property, only based on his income, there are other indicators of value. But just based on

his ability to produce net income the value of the property would be in the neighborhood of \$85,000. It's actually \$84,500. After, at the, if the variance were denied, the value of the property would be \$33,400. So that's a reduction of \$51,123 or 60 percent reduction in value. Now --

MR. TORLEY: Why don't you say that it's not a reduction in value. You're saying that if we grant the variances the property value increases to that level?

MR. CARHART: No, what I'm saying if you don't grant the variance this will create a financial hardship on the property owner and the value of his property will be reduced by \$50,000 or 60 percent. My analysis.

MR. TORLEY: If it's complying with the law it's 30,000. If he is granted exceptions to the law it's worth 50,000?

MR. CARHART: 80,000.

MR. TORLEY: 80.

MR. CANE: I think he has the right to express it the way he wants and then you interpret it the way you want.

MR. CARHART: The objective of the analysis is just to show what will the impact be to the income and the value of this property if you do not grant the variance. I think what we're trying to do is establish that the denial of the variance will show a financial hardship to the property. The object is not how much good will it do for the report, if you do grant it, it's what happens to it if you don't.

MR. CANE: Mr. Monaco, my question is how much did you pay for the property when you first purchased it?

MR. MONACO: 165,000.

MR. CARHART: The value of this property to Mr. Monaco is part of an assemblage of other properties. It's just not this part, it's this property combined with the other three which also produce income and have expenses. But 120 is the only one that's involved in the use variance. And so that's the only property that I analyzed.

If you took all four of the properties and package them together, and I did an analysis of this, then there is additional income and additional expenses that would be considered and the overall cash flow on the entire parcel would be greater. But we're not looking for a variance on the other properties, only on 120. So that's why I confined my analysis to that one property.

MR. KRIEGER: Let me be clear. When Mr. Monaco said he gave a purchase price for the property that was for all four pieces?

MR. MONACO: No, sir. That 120 is with 83 Clancy Street. That is, that was brought together. Two tax lots. That was 120 Walsh and 83 Clancy, which is the trailer park.

MR. KRIEGER: The price you gave was for both?

MR. CARHART: Not just this one property.

MR. KRIEGER: The prices you were quoting, the values had to do with 120 alone?

MR. CARHART: Alone, that's the only one. Incidentally, Clancy is where the trailers are.

MR. MONACO: Yes, sir, Clancy.

MR. CARHART: They produce a substantial addition to this analysis. They produce additional income, not in line with the expenses, and therefore the net worth of the two properties combined is more. But we're only looking for a use variance on the other one. I confined my efforts to that one. Are there any questions that you may have?

MR. TORLEY: You can discuss this with your client and the lawyer about the expanded apartment --

MR. CARHART: I meant to address that. The question was couldn't one of the apartments be expanded --

MR. TORLEY: Or both.

MR. CARHART: -- into the space. I think that the only one that would be physically practical to expand into that space is the Polumbo apartment. The Polumbo apartment currently is 950 square feet. It produces \$300 a month income. In order to expand that into the 660 square feet of space would probably require somewhere around \$50, maybe not quite that much, maybe \$40 a square foot to expand that into that site. Let me just do the mathematics quickly. That's \$26,400 that it would take, approximately, to expand this or to finish out that space, 660 square feet that's in the office -- auto glass and do an apartment. The rental value of Polumbo's apartment with something like 1,500 square feet would be minimal. I mean it's very, very difficult to rent apartments with 1,500 square feet in that location for a reasonable return on your investment. This 20,400 is a lot of money to invest in an expansion of a 900, apartment that's already 950 square feet and is only bringing in \$300 a month. So it's not a, it's not economically feasible to make that investment in the property.

So, in addressing that that's the only thing I can say is that creating a new apartment is another situation all together because that adds a whole new dimension to the finances of the property. But to expand it at this kind of a cost, expand one of the apartments or even both of the apartments, if that were, we're really only talking about apartments here that rent for \$450 a month, and this is not real high end rentals. So, the expenditure of just a few dollars on renovations in these apartments could make the whole building

impractical as far as financing is concerned.

MR. TORLEY: Right now we have two legal and two unapproved apartments, is that correct? You're asking for one further?

MR. HILDRETH: That's correct.

MR. BLOOM: That's correct. We have two legal and we have two existing nonapproved.

MR. HILDRETH: And vacant space in the middle.

MR. BLOOM: That's correct, and the vacant space in the middle.

MR. TORLEY: We have just, I think all of us got the same. Did you get this?

MR. LANGANKE: I want to interject something here, also, as a knowledge of New Windsor isn't this like a rough area that we're continuously having in front of the Zoning Board with dealing with a lot of different uses in a small community?

MR. TORLEY: It's a very mixed use area.

MR. LANGANKE: That's exactly what I'm saying. They come in front of the Zoning Board for assistance all the time in trying to deal with the legalities of the law. I think we've made changes down there that have really helped the area. I think that this is what's going on here, also, what's good for the community. I just wanted to interject that.

MR. TORLEY: I agree with you. We are stuck with this code.

MR. CANE: That's also our interpretation of reading that, Larry, and what we have to decide each one of us in making that. So we've all read that.

MR. TORLEY: Please correct me if I am making a misinterpretation of this paragraph, saying the

applicant must show that active effort was made to sell or rent the property for each and every permitted use in the zoning law.

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MR. HILDRETH: When you talk about what's permitted in the R-4 zone you can have agricultural uses. I am sorry, I shouldn't, it struck me as funny, Larry.

MR. TORLEY: I know.

MR. CANE: At some point, Larry, that's appropriate and at some point you have got to use common sense in judgment here as to what's, there is nobody fighting this thing going here.

MR. TORLEY: We've got to make sure that we are complying with the state law.

MR. CANE: Sometimes you've got to be a little flexible in how you comply, too, depending on the circumstances.

MR. LANGANKE: That's why we're on the board.

MR. KRIEGER: I think the applicant's attorney addressed that with respect to the agricultural uses by saying that the size of the property, it's not really a permitted use as it appears to be because it requires a minimum size property which does not exist here. Therefore, this property could not qualify for such a, for many of those uses. While it appears to be permitted it's not in fact a permitted use for this piece of property.

MR. TORLEY: As for our record can we open and close the public hearing and go back to us?

MR. CANE: Pat, did we get any responses back?

MS. BARNHART: No.

MR. CANE: How many did you send out?

MR. HILDRETH: 63, I believe.

MS. BARNHART: 48.

MR. HILDRETH: I got one back.

MR. TORLEY: Seeing no members of the public in the audience I will open and close the public hearing and go back to us. Anything else, gentlemen? Any other questions?

MR. CANE: One quick question, if in your opinion, sir, if he had to sell that piece of property with the changed property lines on its own what kind of value do you think that would have?

MR. CARHART: Restate that? I didn't catch what you said.

MR. CANE: The property that now holds the apartments --

MR. CARHART: Number 120 Walsh Avenue.

MR. CANE: -- with the new lot line, what kind of value would you put on that if this didn't go through?

MR. CARHART: We would have an income from the blind shop of \$5,400 and Patterson 5,700, Sentimore 5,400. Total of 16,500. With expenses of approximately 12,000. Net operating income of \$3,500. I don't really think we'd get very much.

MR. CANE: If we, Michael, if they put a one family home on that property, which is the required use, would that need variances to fit into that property with the design that they have?

MR. BABCOCK: He's already got a preexisting. The sewing machine can be there, that's approved. That's a nonconforming legal use. Two apartments in that building are nonconforming legal uses. The used car sale is nonconforming use. What he's asking for is to --

MR. CANE: Right, I understand.

MR. BABCOCK: -- add two apartments.

MR. CANE: I am saying it wouldn't be, what I am getting at, it's not technically feasible for them to take that apartment and put a one family home, which it's zoned for, and I want to just get that on the record.

MR. BABCOCK: No.

MR. CARHART: It would not be anywhere financially feasible to do that.

MS. BARNHART: Excuse me, I stand corrected, it was 63.

MR. REIS: You have the proverbial five pound bag with ten pounds of stuff in it that's been there, used as, cleaned up, better than it used to be. If he was starting from scratch he wouldn't get half of it, obviously. But that's not the case. We have a half an acre of land from the user's point of view. He's just trying to maximize his footprint, basically.

MR. CANE: I also think we're dealing with an owner that's cleaned up the property. He's straightened it up in trying to get everything legal down there, which is something, as Herb pointed out, we've been battling for the last couple of years because of the different uses.

MR. LANGANKE: He wants to continue his efforts.

MR. CANE: I have no further questions.

MR. TORLEY: One question on the variances, one of the use variances for service establishment, what are we talking about there?

MR. HILDRETH: I believe that was a hangover, that maybe Mike can help me, from the original appearance before the Planning Board. We were trying to get that auto glass detail shop, but

the auto glass repair shop, we were trying to salvage that. I think that, because otherwise, Mike, what would the service establishment be?

MR. BABCOCK: That's what that was.

MR. HILDRETH: Yes.

MR. CANE: If you're clearing everything up wouldn't the service establishment take care of the sewing machine?

MR. TORLEY: It doesn't need one.

MR. KRIEGER: It doesn't need it.

MR. CANE: Even if you change the uses on the apartments?

MR. TORLEY: No.

MR. KRIEGER: The only thing that they need left out of this list, as I understand it, is the apartments. The list was originally --

MR. CANE: We can strike service establishment.

MR. KRIEGER: The list was originally longer than it now needs to be, if I understand correctly.

MR. TORLEY: One other technical thing, lot 2 is the one we've been discussing all this time. Lot 3 is the mobile home.

MR. BLOOM: I believe three is the mobile home, isn't it, Bill?

MR. HILDRETH: Well, I have renumbered them tax lot-wise trying to keep the old tax lots. Tax lot 22 will, was and will be the mobile home property restructured. Tax lot 3 was and will be the single family residence restructured. Tax lot 2 will be the remainder and we're going to dump tax lot 22.

MR. CANE: But according to the application lot

number 3 you're looking for the square foot variance and the side yard?

MR. HILDRETH: All of the bulk variances apply to the single family residence which is tax lot 3, that's correct.

MR. CANE: We are not really dealing with the mobile homes in any way.

MR. TORLEY: For completeness I think you should discuss the area variance requests and the rationale for those in the single family home.

MR. BLOOM: Yes, sir. As I tried to indicate before, Mr. Chairman, we're dealing with a tax lot, we're dealing with a lot that's 1,500, basically half acre in size. It has all of the structures already located on it. It would just be completely unfeasible to try to construct a one family residence in the context of that configuration. I believe Mr. Carhart addressed that issue as well before, didn't you?

MR. TORLEY: No, I think we may be miscommunicating. Lot 3 is where you have the existing single family residence.

MR. HILDRETH: Correct. You want to talk about the bulk variance.

MR. BLOOM: I'm sorry. I stand corrected. If I may turn that over to Bill for the details on the bulk requirements, please. I apologize for that.

MR. HILDRETH: The initial tax lot size was, if you refer to the table of tax lot areas, the original area of the tax lot 3 was 6,045 square feet. Minimum required in an R-4 zone for a single family lot with water and sewer is 15,000 square feet. So it's already over 50 percent smaller in its original form. What we are proposing to do is shrink that from 6,045 to 3,420. We're going to do that by going

along an existing chain link fence that separates the parking lot for this building that's been the subject of most of our discussion from the single family residence. If you recall or wish to refer again to the pictures you were shown you can see that fence and how it separates the yard from the business. In so doing we are increasing some side yard variances which show up in both the application and this table over here. The area, the square footage variance I talked about, lot width, minimum is 100 feet. In its original form it was only 60. We're shrinking it to 58 by virtue of moving over from the original tax lot line to where the fence actually is by the driveway. Front yard setback is at this point zero and was, we are not making that any worse. That refers to the rental on Walsh Road. Side yard setback we are, if you look at the 7.2 foot dimension here we're making that, obviously that's what we're reducing it to. That's one of the ones we are making worse. I believe the application shows the percentage, if that's how you want it done. The bottom line minimum it's 15 foot side yard. We have a 3.5 foot. Total side yard should be 30. Ours is only 10.7. Rear yard setback we meet. Street frontage, again, it did comply at 60. We are reducing it less than two feet in order to go along the fence. Building height is fine. Livable floor area is fine. Development coverage, obviously because of the size of the lot and reducing it further, development coverage is way over. We are providing 57 percent so that's 27 percent variance request there. That covers all the bulk variances. Do you need them enumerated in percentages?

MR. TORLEY: I don't. Do you gentlemen want any percentages? One quick question to make sure we have got it covered. Mike, that brick fireplace doesn't count?

MR. HILDRETH: Setback-wise.

MR. TORLEY: Side yard or whatever.

MR. HILDRETH: It's not a structure. I don't mean to speak for you, Mike.

MR. BABCOCK: I would say, Larry, that brick fireplace is probably nonconforming like the rest of it. It's been there on the house. The house is on the property line of Walsh Road. Do you see it? If somebody came to me today and asked me to build it I don't think I'd tell them to build it on their property line.

MR. TORLEY: I wanted to make sure it was preexisting. We still have the one question I guess on the parking. We ought to have that be specific. How do you want that? Do you want us -- it might make a more logical sequence if we get the approval for the use variances for the apartments then that, if that would pass, then the next step would be that you have a variance request for parking spaces. But we can't tell what that is until the first one goes. We don't know what number to vary it from. Does that make sense?

MR. CANE: Yes.

MR. TORLEY: Anybody else have any other questions? I would suggest, gentlemen, that we do this in sort of stages. Let's take this lot 2, the use variances first. Entertain a motion on the subject.

MR. CANE: Mr. Chairman, I move that we approve the requested use variances on proposed lot number 2 by Mr. Monaco.

MR. LANGANKE: I second it.

MR. TORLEY: Roll call, please.

ROLL CALL:

MR. LANGANKE: Aye.

MR. REIS: Aye.

MR. CANE: Aye.

MR. TORLEY: Nay.

MR. TORLEY: The motion bears three ayes.

MS. BARNHART: Three ayes and one nay.

MR. TORLEY: The parking spaces now required ten, Mike? Five apartments would be ten parking spaces?

MR. BABCOCK: That's correct.

MR. TORLEY: How many are provided?

MR. HILDRETH: If I may just have ten more seconds.

MR. TORLEY: If it won't upset the lawyer we will move on to the area variances and come back.

MR. KRIEGER: That's quite all right.

MR. TORLEY: The next one is new lot number 3 proposed area variances. May I have a motion on that?

MR. CANE: Mr. Chairman, I move we approve the requested area variances for the new lot number 3 as requested by Mr. Monaco.

MR. REIS: Second.

MR. TORLEY: Roll call.

ROLL CALL:

MR. LANGANKE: Aye.

MR. REIS: Aye.

MR. CANE: Aye.

MR. TORLEY: Aye.

MR. TORLEY: Motion carried four ayes. Have you got a number?

MR. HILDRETH: Yes, we do. Now, the reason I spent a little bit of time with my magic tool here, I wanted to make sure if we are going to ask for a variance it should be based on a ten by twenty space which is a legal size space. Looking at this again, and I said before I thought I could fit them in, I can't. I can

fit in eight. Also because of the requirement for aisle space I can't show anymore legally over here even though physically they're double parked. So, we're looking at, we can get legal eight spaces in there, if we were to measure it and stripe it. If we need ten for five apartments we need a variance for two.

MR. REIS: Excuse me, what about the front here?

MR. HILDRETH: All right.

MR. BABCOCK: Mike, the problem with it is these parking lots in the front are nonconforming, okay. So is the building and it's always been nonconforming. But what we had told Bill is when we look at this project with today's code we look at a ten by twenty space. In all honesty he has them right here in the front, the ones that are on an angle. He has the parking. But it doesn't comply with today's zoning. That's where our problem is. Since he's adding the apartments we're saying the three apartments yes. The other two are nonconforming. We say we want ten spaces. He's saying he can give us eight. We feel he should get a variance for two and then he's covered.

MR. CANE: He's covered and he still has the three conforming spaces up there, whatever?

MR. BABCOCK: Yes.

MR. HILDRETH: We have room for more cars physically and they won't be on the street.

MS. BARNHART: The answer is two?

MR. TORLEY: Request for two, a variance for two parking spaces for the apartments.

MR. HILDRETH: Yes, in order to comply with the requirement for two per five -- two per apartment times five.

MR. TORLEY: Do I hear a motion?

MR. LANGANKE: I make a motion that we grant the application for Carmen Monaco, his requested variance of two parking spaces.

MR. REIS: Second.

ROLL CALL:

MR. LANGANKE: Aye.

MR. REIS: Aye.

MR. CANE: Aye.

MR. TORLEY: Aye.

MS. BARNHART: Application approved four ayes.

MR. BABCOCK: I was talking to Bill on this parking when you were going over that. Is that everything?

MS. BARNHART: The only thing that was questionable was the parking. No number on it.

MR. BABCOCK: We couldn't put a number because we didn't know what he was getting the variances for.

MR. TORLEY: We have left?

MS. BARNHART: Nine formal decisions.

MR. TORLEY: What's the pleasure?

MR. CANE: I make a motion to accept all these formal decisions.

MR. REIS: Second.

MR. TORLEY: Roll call.

ROLL CALL:


MR. LANGANKE: Aye.

MR. REIS: Aye.

MR. CANE: Aye.

MR. TORLEY: Aye.

MR. TORLEY: Four ayes. Any other business,


MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE	<u>R-4</u>	USE <u>JFR</u>	<u>New Tax Lot #3:</u>
MIN. LOT AREA	<u>15,000</u>	<u>3,420</u>	<u>11,580</u>
MIN. LOT WIDTH	<u>100</u>	<u>58.69</u>	<u>41.31</u>
REQ'D FRONT YD	<u>35</u>	<u>0</u>	<u>35</u> EXISTING CONDITION
REQ'D SIDE YD.	<u>15</u>	<u>3.5</u>	<u>11.5</u>
REQ'D TOTAL SIDE YD.	<u>30</u>	<u>10.7</u>	<u>19.3</u>
REQ'D REAR YD.	<u>40</u>	<u>42</u>	<u>-</u>
REQ'D FRONTAGE	<u>60</u>	<u>58.69</u>	<u>1.31</u>
MAX. BLDG. HT.	<u>35</u>	<u>< 35</u>	<u>-</u>
FLOOR AREA RATIO	<u>N/A</u>	<u>-</u>	<u>-</u>
MIN. LIVABLE AREA	<u>1000</u>	<u>1069</u>	<u>-</u>
DEV. COVERAGE	<u>30% %</u>	<u>57 %</u>	<u>27 %</u>
O/S PARKING SPACES	<u>-</u>	<u>-</u>	<u>-</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

~~OFF 2.B.A.~~, APPLICANT, P.B. ENGINEER, P.B. FILE

May 24, 1996
Mary G. Faricellia LaRosa
13 B McIntosh Place
Newburgh NY 12550

To whom it may concern;

This letter is to verify that the lots on Clancy Avenue were used as commercial property and a used car lot by myself and my husband Dominick Faricellia.

I had a New-York State permit and dealer plates from 1962 to 1969.

Our office and garage were listed as 120 Walsh Ave, but our sales lots were in the rear lots on Clancy Avenue.

Sincerely

Mary G. Faricellia LaRosa

6/2/96

From 1957-1971 my residence was 114 Walsh Road. During that time my grandfather, Dominick Farkella lived next door at 120 Walsh Rd. The property was used as income in a used car business and rental units. In 1973 I purchased the property from his estate. We had several types of business setting, machine shop, tire sales & service and a boat shop. It remained the same as I sold to Carmen Noraco, around 1986.

John Celandrea



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

MARCH 4, 1976

PROPERTY ASSESSED TO: CARMEN MONACO
120 WALSH AVENUE
NEW WINDSOR, N.Y. 12553
SECTION 13, BLOCK 2, LOT 2

DEAR SIRs:

PLEASE BE ADVISED THAT THE ABOVE REFERENCED STRUCTURE WAS BUILT 1932 WHICH WAS PRIOR TO THIS TOWN ADOPTING BUILDING AND ZONING CODES IN 1966. THEREFORE, THERE IS NO CERTIFICATE OF OCCUPANCY NOR IS ONE REQUIRED.

THE ASSESSOR'S RECORDS INDICATES TWO (2) APARTMENTS AND TWO (2) BUSINESSES WERE CONVERTED TO FOUR (4) APARTMENTS AND TWO (2) BUSINESSES IN 1974 WITHOUT A BUILDING PERMIT. THE ASSESSOR'S RECORDS ALSO INDICATE THE CONSTRUCTION OF AN ADDITION, A ONE (1) STORY BLOCK BUILDING, WITHOUT A BUILDING PERMIT. ALSO BE ADVISED THAT THE ADDITION IS PARTIALLY LOCATED ON SECTION 13, BLOCK 2, LOT 3.

ENCLOSED, PLEASE FIND A COPY OF A REPORT FROM THE OFFICE OF THE FIRE INSPECTORS

WALSH AVENUE IS OWNED AND MAINTAINED BY THE TOWN OF NEW WINDSOR.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE ARE NO OTHER VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY OTHER VIOLATIONS AT THE SUBJECT PREMISES.

THE INSPECTION OF THE RECORDS WAS PERFORMED AT THE REQUEST OF AN INTERESTED PARTY. THE TOWN WILL NOT BE LIABLE FOR ANY LOSS OR DAMAGE THAT MAY BE SUFFERED BY THE INTERESTED PARTY OR ANY OTHER PARTY WHO MAY RELY ON THE CONTENTS OF THIS LETTER.

TITLE #9 NYCRR REQUIRES THAT A SMOKE DETECTOR BE INSTALLED PRIOR TO THE SALE OF THESE PREMISES. PLEASE SUBMIT TO THE FIRE INSPECTOR AT THE ABOVE ADDRESS THE ENCLOSED AFFIDAVIT OF COMPLIANCE INDICATING THAT A SMOKE DETECTOR HAS BEEN INSTALLED AND IS IN OPERATION.

VERY TRULY YOURS,

MICHAEL BABCOCK
BUILDING INSPECTOR

MB:ldm

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

December 19

CO
ish Ave.
nd , N.Y. 12553

naco Apartments
20 ish Ave.
ew Windsor, N.Y. 12553
ec/Plk/Lot: 13/2/2

Armen:

On 13 December 1993 a site visit at the above referenced facility was conducted to determine the feasibility of allowing four (4) apartment units to remain within a multiple occupancy use building. Areas to be addressed in the building permit process specific to the multiple dwelling use only were as follows:

- 1.) All plumbing piping shall be securely fastened to structural members in accordance with Plumbing Code requirements and generally accepted construction practices.
- 2.) All accumulations of combustible storage shall be removed from furnace room enclosure.
- 3.) Electrical distribution box circuit breakers shall be labeled to which branch circuits they affect, as well as the apartment number.
- 4.) A two (2) hour U.L. approved fire rated enclosure shall be provided for both furnace rooms; under the stairs and in concealed space on second floor.
- 5.) A three-quarter 1 - 1 1/2 hour u.l. approved, self closing opening protective shall be provided for both furnace rooms; under the stairs and in concealed space on second floor.
- 6.) All natural gas heating appliances (furnaces and hot water heaters) shall have "spill damper" control switches installed which would automatically terminate unit operation should flue pipe become clogged.
- 7.) Emergency lighting shall be provided for apartment hallway which would automatically illuminate the area during electrical power failures.

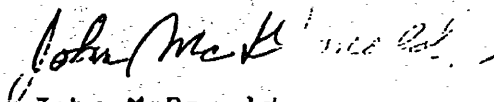
8.) The second floor concealed space where the furnace water heater are located shall be provided with directly from the exterior only.

9.) Stairwell hallway to second floor does not provide the required head room as required by New York State Fire Prevention and Building Code requirements. An appeal Board would have to be obtained.

These areas are only a partial listing of an overall project that will be required to be addressed under the building permit process. Only specific to the areas of concern that were brought up at a meeting in November on the project. Although, on the one hand, the areas may have been prohibited, the New York State Fire Prevention and Building Code allows alternative methods to allow greater area of feasibility.

Should you have any further questions or concerns, please feel free to contact me at 563-4602.

Very truly yours,



John McDonald
Fire Inspector

JHM: r
Michael Babcock, Building Inspector
William Heldreth



1763

MARCH 4, 1996

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

PROPERTY ASSESSED TO: MARY G. FAIRCELLIA (CARMEN MONACO)
126 WALSH AVENUE
NEW WINDSOR, N.Y. 12553
SECTION 13, BLOCK 2, LOT 3

DEAR SIRs:

PLEASE BE ADVISED THAT THE ABOVE REFERENCED STRUCTURE WAS BUILT 1940 WHICH WAS PRIOR TO THIS TOWN ADOPTING BUILDING AND ZONING CODES IN 1966. THEREFORE, THERE IS NO CERTIFICATE OF OCCUPANCY NOR IS ONE REQUIRED.

PLEASE BE ADVISED THAT AN ADDITION FROM SECTION 13, BLOCK 2, LOT 2 IS PARTIALY LOCATED ON THIS PROPERTY.

THE ASSESSOR'S RECORDS INDICATE THE CONVERSTION TO OFFICE SPACE FOR ACTION AUDIO WITHOUT A BUILDING PERMIT. ALSO THE CONSTRUCTION OF A FENCE WITHOUT A BUILDING PERMIT.

PLEASE BE ADVISED THAT A BUILDING PERMIT #1516 WAS ISSUED FOR A DORMER. TO DATE NO CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED FOR THIS PERMIT.

WALSH AVENUE IS OWNED AND MAINTAINED BY THE TOWN OF NEW WINDSOR.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE ARE NO OTHER VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY OTHER VIOLATIONS AT THE SUBJECT PREMISES.

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VERY TRULY YOURS,

MICHAEL BABCOCK
BUILDING INSPECTOR

HR:ldm



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

MARCH 4, 1996

PROPERTY ASSESSED TO: CARMEN MONICO
134 WALSH AVENUE
NEW WINDSOR, N.Y. 12553
SECTION 13, BLOCK 2, LOT 20

DEAR SIRs:

THE ASSESSOR'S RECORDS INDICATE THAT THIS PROPERTY IS VACANT PROPERTY.
WALSH AVENUE IS OWNED AND MAINTAINED BY THE TOWN OF NEW WINDSOR.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE NO VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE ARE NO VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY VIOLATIONS AT THE SUBJECT PREMISES.

THE INSPECTION OF THE RECORDS WAS PERFORMED AT THE REQUEST OF AN INTERESTED PARTY. THE TOWN WILL NOT BE LIABLE FOR ANY LOSS OR DAMAGE THAT MAY BE SUFFERED BY THE INTERESTED PARTY OR ANY OTHER PARTY WHO MAY RELY ON THE CONTENTS OF THIS LETTER.

TITLE #9 NYCRR REQUIRES THAT A SMOKE DETECTOR BE INSTALLED PRIOR TO THE SALE OF THESE PREMISES. PLEASE SUBMIT TO THE FIRE INSPECTOR AT THE ABOVE ADDRESS THE ENCLOSED AFFIDAVIT OF COMPLIANCE INDICATING THAT A SMOKE DETECTOR HAS BEEN INSTALLED AND IS IN OPERATION.

VERY TRULY YOURS,

MICHAEL BARCOCK
BUILDING INSPECTOR

HB:ldm



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

1763

MARCH 4, 1996

PROPERTY ASSESSED TO: CARMEN MONOCO
23 WALSH AVENUE
NEW WINDSOR, NY 12553
SECTION 13, BLOCK 2, LOT 22

DEAR SIR:

THE ASSESSOR'S RECORDS INDICATE THAT THREE (3) TRAILERS EXIST ON THIS PROPERTY WITHOUT PROPER BUILDING PERMITS AND THAT ONE TRAILER WAS REMOVED AND REPLACED WITHOUT A BUILDING PERMIT.

WALSH AVENUE IS OWNED AND MAINTAINED BY THE TOWN OF NEW WINDSOR.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE ARE NO OTHER VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY OTHER VIOLATIONS AT THE SUBJECT PREMISES.

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VERY TRULY YOURS,

MICHAEL BABCOCK
BUILDING INSPECTOR

MB:ldm

MONACO, CARMEN LOT LINE CHANGE (96-1) WALSH ROAD

William Hildreth appeared before the board for this proposal.

MR. HILDRETH: This is long and complicated so bear with me. The applicant, Mr. Monaco, fully intended to be here and will be at subsequent meetings I'm sure but with weather and whatnot, he couldn't make it. This plan that is before you now is a combined plan, prepared in order to explain and map out as best we could all the things that are going on. Initially, I'd like to give you a little history of the property to explain why we need to do certain things. Currently, this property is four tax lots. If you look at the location plan in the upper right corner, you can see that the four tax lots, two fronting on Walsh Avenue, two fronting on Clancy Avenue, the entire property is in an R-4 zone, the current uses on this property are single family residence, three mobile homes and several commercial uses, well, not several, several other uses involving this large L-shaped building. There's currently four apartments in there, there's 1,500 square feet on the ground floor facing Walsh Road. It has a sewing machine shop, a woman makes curtains, there's an auto glass shop in a concrete block garage here currently that is going to be ceased as part of this. I'll get into that later. There's also an office for used car sales. That is the current use and lot configuration. The first thing we'd like to do is a lot line change.

MR. DUBALDI: You need a variance for that, no?

MR. HILDRETH: We'll get to that. Yes, we do, at least one. What we're going to do is take the four tax lots and turn them into three lots. The restructuring the lot line has been done in order to keep all of the uses on their on lot, i.e., the single family residence is all going to be inside the newly structured lot, the three mobile homes will all be inside the newly structured lot. The remaining uses will all be part of the third lot. The reason for that is if you look at the lot line change portion, which is in the center of this map, you can see where one of the mobile homes

hangs over the lot line a little bit. You have got an overhang of use between this large L-shaped building over tax lots 2 and 3, so we have redone this to separate all of that. Go along an existing fence for the single family home and also for the mobile home park and then clearing the back of the mobile home to make sure that it stays on the lot.

MR. DUBALDI: Can I just ask a quick question? Why is this being done?

MR. HILDRETH: All right, initially the reason a plan had to be prepared at all is the applicant was served with an Order to Remedy because of a fourth apartment in this building here. He had three apartments. He purchased the property in 1988. When he purchased the property, there were three apartments there. At some point in time, he happened to be going through a divorce, he needed a place to live, he had the space, he set up an apartment here and moved in. Once he got squared away and found another place to live, he got this apartment so he rented it out, not knowing he needed permits or anything like that. He had, the work was done by licensed electricians and all this.

MR. PETRO: If Mickey Rooney did that, he'd have a real nice complex going.

MR. HILDRETH: And as you know, once a site plan has to be prepared, you take, and take a pre-existing site like that, this is completely covered with nonconformities and bulk deficiencies, they all have to be addressed. So it has taken a lot of effort and a lot of thought to get to this point because as I said a little bit earlier, there's an auto glass shop in the area that is shown as a proposed apartment. One of the problems is that use cannot could exist and Mike Babcock can help me here next to a multi-family.

MR. PETRO: How is the lot line change going to affect this problem or help solve the problem?

MR. HILDRETH: Okay, it's my thought that it would solve it because you don't want to have, since the applicant owns all four lots, he now has the ability to

put all of the uses as he purchased the property, he has not changed a footprint or a location of any buildings since he bought it. So we have the ability since we have to bring this plan before the board to clean up some of these problems with like a mobile home hanging over one of the lots and put all of these uses that are in this center area on one lot. Because as I said, there's a used car auto sales and he parks back here.

MR. PETRO: Show me the lot line change.

MR. EDSALL: Bill, maybe you can post this one, if you want.

MR. HILDRETH: Okay, you have the colors.

MR. EDSALL: So you can understand it, this helps you out, the orange is the proposed lines, the pink shows the four lots as they exist.

MR. HILDRETH: Strictly speaking now for the lot line change, the pink, if that is the right color, you have got a big X here, you have got four lots existing, four tax lots, that is the way he bought it. We're going to now make along this orange line new lot line for the single family home. Obviously, it's deficient. It's already deficient in its original and it's going to become more deficient. However, there's an existing fence along which we have, that is why the line is jogged like it is and visually, when you look at it, this house belongs inside that fence. The other lot line is being moved from the pink line over to the orange line around the mobile homes in order to contain all of those mobile homes without, they have been there since 1963. So you don't want to move them.

MR. PETRO: They have access by Clancy Avenue.

MR. HILDRETH: Okay, now you have seen that, you can look at this plan here. All of the mobile home park access is off of Clancy Avenue. There's no through access with the exception of one little gate that is shown and the fence. There's room for parking off Clancy Avenue out in front and that is where they park

as you can see by the sidewalks that lead out there so that is also sort of a little self-contained corner as is the single family residence, they have parking available in front of that on the lot as we have restructured it as well.

MR. STENT: Bill, is there used car sales going on there now on Clancy Avenue?

MR. HILDRETH: All right, no, there's a fence along the property line that encloses an area that he uses to park cars.

MR. STENT: For the glass business?

MR. HILDRETH: No, this is where he parks them for car sales. He says six or eight cars at a time he moves them pretty quickly and they don't stay there very long, if he has a car that doesn't move quickly, he's got another lot that he takes it to.

MR. PETRO: That is only off Walsh Road.

MR. HILDRETH: This parking lot here comes off Walsh Road.

MR. PETRO: I have been on that lot, that particular parking lot is well fenced. You can't go from there to Clancy.

MR. HILDRETH: There's a fence along Clancy Avenue here that turns and goes up but it actually ties into the mobile home and then there's another fence that comes off the other side of the mobile home in which there's a gate. So this is all self-enclosed and there's also a fence over here. The used car sales office is identified here on the site plan. We're also departing from the lot line change but this dovetails and this proposed apartment is what's currently the auto glass place but it's been determined that that auto glass use cannot exist adjacent to this building within which there are four apartments. So what he is going to do we spent a lot of time trying to, he's got a good paying tenant there, we spent a lot of time trying to save it, we couldn't, he's got to get rid of him. We

can't find a use commercially to replace this commercial use that will be compatible so he is going, he wants part of the proposal is to turn it into an apartment.

MR. PETRO: Fifth apartment?

MR. HILDRETH: Correct.

MR. STENT: There is no problem with the downstairs business going underneath those apartments?

MR. HILDRETH: Used to be a machine shop.

MR. BABCOCK: Right.

MR. STENT: There is no problem with apartments over top of that?

MR. HILDRETH: Those two apartments are pre-existing ones and what I, what he's got in the machine shop is a sewing machine shop.

MR. PETRO: I'm going to move it along. You have got the lot line changes, I see the configuration the, board sees the configurations, you're going to need variances so--

MR. HILDRETH: This is already a substandard lot with respect to square footage and I believe lot width, street frontage was okay but we're decreasing the frontage so that is a variance we're going to need.

MR. PETRO: Obviously setbacks.

MR. HILDRETH: Decreasing the rear yard, that is another variance we're going to need. We're decreasing side yard, although one side is okay, the pre-existing side yard isn't, so the total change is smaller number.

MR. PETRO: Most of the buildings are encroached over the property line so you are going to make a situation better by keeping it on the lot.

MR. HILDRETH: That is the idea behind the lot line.

MR. PETRO: That is up to the zoning board so we'll need your, just at this point, looking for referral to the zoning as far as lot line change is concerned.

MR. HILDRETH: And we'd like to do the lot line change first, yes.

MR. PETRO: Can I have a motion to approve this?

MR. STENT: Make a motion we approve.

MR. DUBALDI: No, no, lot line change, I second the lot line change motion.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the lot line change for the Monaco site plan.

MR. EDSALL: Just Monoco lot line change.

MR. PETRO: Is there any further discussion from the board members? if not, roll call.

ROLL CALL

MR. STENT	NO
MR. DUBALDI	NO
MR. PETRO	NO

MR. PETRO: You have now been referred to the New Windsor Zoning Board for the necessary variances. Once you have those variances, you may come back to this board and be put on the next available agenda.

MR. HILDRETH: It's my hope to clear all this up and go to the Zoning Board.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 96-29

Request of CARMEN MONACO

for a VARIANCE of the Zoning Local Law to permit: MULTI-FAMILY USE, SERVICE ESTABLISHMENT, USED CAR SALES; INSUFFICIENT LOT AREA, LOT WIDTH, FRONT AND SIDE YARD SETBACK, ROAD FRONTAGE AND DEVELOPMENT COVERAGE being a VARIANCE of Section 48-9 AND 48-12 TABLE OF USE/BULK REGULATIONS; COLS. A, C, D, E, F, H, L AND O

for property situated as follows:

120 WALSH AVENUE, NEW WINDSOR, N.Y.

known as tax lot Section 13 Block 2 Lots 2, 3, 20 AND 22

SAID HEARING will take place on the 12th day of AUGUST, 1996, at New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, beginning at 7:30 o'clock P. M.

JAMES NUGENT
Chairman

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 96-2

DATE: 1 MAR 96

APPLICANT: CARMEN MONACO

120 WALSH AVE

NEW WINDSOR N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 12 DEC 95

FOR (~~SUBDIVISION~~ - SITE PLAN) _____

LOCATED AT WALSH AVE

_____ ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 13 BLOCK: 2 LOT: 2, 3, 20, 22

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

PROPOSED LOT 2 - USE VARIANCES (MULTI-FAMILY SERVICE ESTAB, USED CAR)
PROPOSED LOT 22 AND LOT 2 PARKING VARIANCES


MICHAEL J. FOSALL P.E.
MICHAEL BABCOCK
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>R-4</u> USE <u>AS NOTED ABOVE</u>		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD.		
REQ'D TOTAL SIDE YD.		
REQ'D REAR YD.		
REQ'D FRONTAGE		
MAX. BLDG. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA		
DEV. COVERAGE	%	%
O/S PARKING SPACES		

USE VARIANCES ABOVE AS NOTED

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----x
In the Matter of Application for Variance of

Carmen Monase

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#96-29

-----x
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On July 30, 1996, I compared the 63 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
30th day of July, 1996.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1997

(TA DOCDISK#7-030586.AOS)

Date 5/24/96, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth 147 Sycamore Dr DR.
New Windsor ny 12553

DATE		CLAIMED	ALLOWED
5/13/96	Zoning Board Mtg	75.00	
	Misc - 2		
	Cuttica - 4		
	Raz - 7		
	Devitt - 5		
	Devitt - 4 72.00		
	Lombardi - 4 1		
	Burns - 3	184.50	
	<u>41</u>	259.50	

~~MONACO, CARMEN~~

Mr. William Hildreth appeared before the board for this proposal.

MR. NUGENT: Referred by the Planning Board for the following: Lot #2-use variances for multi-family, service establishment, used car sales area, parking spaces. New Lot #3 proposed: 11,580 s.f. lot area, 41.31 ft. lot width, 35 ft. front yard (pre-existing), 11.5 ft. side yard, 19.3 ft. total side yard 1.31 ft. required frontage, 27% dev. coverage for lot line change (three lots from four) at Walsh Avenue in R-4 zone.

MR. HILDRETH: While I wait for Pat to pass out some maps, my name is Bill Hildreth, I'm a land surveyor who took care of the plan. With me is Carmen Monaco, who is the owner of the property as well as the applicant. That's going on here is a two pronged application, lot line change and a site plan that is going to require the addressing of some use variances. The reason the two are tied together, is that there are currently 4 tax lots here, we're proposing to turn into 3 in order to place these uses within boundary lines cause right now, this is in Clanceyville, they are old lots, there's some things encroaching over property lines so that is the lot line change. This property is located in the R-4 zone on Walsh Avenue between Carroll Street and Merline closer to Carroll Street, it's just down the road from Ferracelli's Market. Does everyone have a handle on that?

MR. NUGENT: Yes.

MR. HILDRETH: As he stated, it's currently 4 tax lots, the lot line change proposed is to turn it into 3. The bulk variances that were just read off by the chairman refer to the residential lot which is tax lot 3. The reason it's already a substandard lot because of where it is and how old it is, the reason we need some variances is cause we're making some of, some of the substandard conditions a little bit worse but we're following an existing fence that separates that residence very nicely from the rest of the property.

The front yard variance that we need to get because we're here is a pre-existing condition, we're not changing that, we're changing the square footage for lot area and making that smaller and we're changing the street frontage making that a little bit smaller and we're changing the side yard setbacks. Obviously, the developmental coverage and whatnot will follow along with that. The rest of the property, give you a little history here to set this up, Mr. Monaco purchased this property in 1988, as you see it before you, it had the large frame structure that is on tax lot 2, it had the 3 mobile homes and there were 2 garages. He purchased the property in 1988. He's been operating out of this premises since 1974. Going back as far as 1930, it was commercial, the tax records indicate it was a commercial property, there was a shop and two apartments in it, what kind of shop it doesn't say. From time to time, it's been a machine shop in there. There has been automobile repair in there. There has been a tire sales in there. Right now, what's in there is a sewing machine shop where a woman makes draperies and she handles everything by delivery. There's no walk-in trade, she just makes the stuff there, that is in the old machine shop. There are currently 4 apartments in the remainder of the frame building and there's a vacant garage at this point recently vacated. One of the things we're going to try to discuss with the board and we would like to get variances for is to turn that now vacant garage into a fifth apartment. I'll get into that a little bit later. And what is shown on the plan as a used car sales office is a building that was there, it was a garage, it's been turned into the office for the used car sales operation that is running out there. The 3 mobile homes have been there since it leased 1966 as far back as 1963, there were 4 mobile homes there. There are now only 3. There's no proposal to change that, add to it or subtract from it. All we'd like to do is include a little lot line change with that tax lot to solve the encroachments one of the mobile homes is over the current boundary line. The reason we're here is that back in 1992, I believe the zoning inspector issued an order of remedy because of converting space in the large frame building into another apartment. At the time that was done, Mr. Monaco needed a place to live,

he has since gotten out of that situation and he's rented that apartment. So we went before the board with a plan similar to this to begin the process and at that time, there was an auto detail business operating out of the garage that we'd like to turn into an apartment. A great deal of time and effort and some money was spent in trying to, I mean he had a good tenant trying to save the business, we ran into problems with building code, New York State Building Code requirements certain uses that they can't be up against multi-family. I'm not up on it. If Mr. Babcock was here, C1, C2, I don't know how familiar you are. I'm not very familiar with it. We even went to the trouble of hiring an outside engineer because it was a little bit out of my field of expertise and after spending quite a bit of money there, we didn't get anywhere. So Mr. Monaco elected to get rid of the tenant because it's just not, you can't find a use that is compatible with the multi-family. So it is better, you have got 4 apartments in the building now that could be turned into the fifth apartment, the square footage can be used for something. I'll back up and go over any of this, I have to, I know it's a long story. The point I'd like to make is that in terms of square footage, Mr. Monaco hasn't changed any of the footprints of the building. What he has done is changed some of the uses and rearranged some of the uses inside. However, the property, it has been used, going back to predating zoning for the mobile homes, for all kinds of garages from time to time, for the used car sales and what we're here for in terms of use variances is the used car sales cause it's in a residential zone. That is not necessarily inconsistent with the neighborhood since there is a garage right across the street, it isn't visually, doesn't have a tremendous visual impact and in this particular type of used car sales, Mr. Monaco can expand, it's not your typical used car sales, there's no signs out front, he deals mostly with other dealers.

MR. MONACO: Yes, wholesale.

MR. HILDRETH: Cars come in and out very quickly, they don't hang around. There is no off the street walk-in type business, it's very quiet, very clean, very

unobtrusive. The sewing machine shop doesn't generate any traffic. She takes in orders and makes deliveries herself. Single family residence speaks for itself. And the mobile home, the 3 mobile home sites have access off Clancy Avenue. This property runs from Clancy to Walsh, has frontage on both and there's parking available up front for that. So that is very separate, even though it looks confusing on the plan, it's a very separate and self-contained little island out there.

MR. LANGANKE: Right now it's mixed use?

MR. HILDRETH: Mixed.

MR. LANGANKE: It's residential and commercial?

MR. HILDRETH: Yes.

MR. NUGENT: Multi-family.

MR. HILDRETH: Single family residential.

MR. LANGANKE: What is it zoned for?

MR. HILDRETH: R-4 is a regular residential zone. There are certain other things that are permitted in that zone. However, these uses are not, they are pre-existing but since we have to come for the expansion, you know, for the multi-family, I mean that is a use variance we need, we're trying to address all of these.

MR. LANGANKE: Is he in violation right now, has he been cited?

MR. HILDRETH: Yes, he's been given an order to remedy.

MR. LANGANKE: What specifically has he been ordered to remedy?

MR. LANGANKE: Provide a C.O. for the apartments that we're putting in or not, I don't want to say put in, but there was apartments added, even though the square footage was there, there for the apartments and for the

conversion of the garage to an office for that used car business that was already there.

MR. LANGANKE: All right so the used car sales office is a problem right now?

MR. HILDRETH: Because, yeah, it used to be a garage and it was converted to an office.

MR. LANGANKE: The apartments on top of the sewing machine, are they all in violation?

MR. HILDRETH: No, two.

MR. LANGANKE: Just two?

MR. HILDRETH: Yes.

MR. LANGANKE: How many are up there?

MR. HILDRETH: There's a total of--

MR. LANGANKE: How come only two are in violation?

MR. HILDRETH: Because two of them predate zoning, they go back as far as 1930, back when there was a machine shop there. As I said before they used to have a garage there where they change oil.

MR. MONACO: They did repairs there.

MR. HILDRETH: That use is done, he doesn't do that anymore.

MR. LANGANKE: On the ground floor there is a sewing machine shop?

MR. HILDRETH: Correct.

MR. LANGANKE: On top there are two apartments?

MR. HILDRETH: Yes.

MR. LANGANKE: Now, in the proposed apartment, is that two floors or one floor?

MR. HILDRETH: No, it will be one floor. The proposed apartment will be between the frame building and the used car sales.

MR. LANGANKE: They are both one floor?

MR. HILDRETH: Correct.

MR. LANGANKE: Do we have any pictures?

MS. BARNHART: They are right here.

MR. HILDRETH: The only thing we're proposing is a fifth apartment there.

MR. LANGANKE: What is there now?

MR. HILDRETH: It's the garage that used to have the auto detail. The structure touches the multi-family and we were having problems with that use and the building code.

MR. TORLEY: Use variances are reflected for the used car office?

MR. HILDRETH: Yes and one of the things in the referral was for service establishment which I don't know why it's there, I don't know if that is correct. There is no service establishment that we're asking for that I know of, unless that was what was put in there for the sewing machine shop, I don't know. Now, some of these pictures may not do it justice. This site would do well to have a site visit, it would answer, it's a very clean site, it separates very nicely, the way the lot line change is drawn up.

MR. LANGANKE: What's the acreage?

MR. HILDRETH: Total acreage is just a half acre.

MR. REIS: Bill, the way you have it set up here, what would be the minimum parking space available?

MR. HILDRETH: I didn't even get into that, should we

talk about parking a little bit?

MR. REIS: Seems like it's short here.

MR. HILDRETH: In terms of the number of parking spaces required and being able to put in a 10 x 20 space, absolutely. In the right locality, he can, it works now, and he's got space left over. He can park the cars he needs for his apartment tenants, for the three mobile homes, the single family residence has spaces available to it, which is all that is required and the used cars that come in and out as I said come in and out fairly quickly, eight, ten, twelve, one time or another. When I took the pictures there was 14 cars there and there was still room for more and room to back out and turn around. Parking is another one of the variances we have to look at. Single family would be 2, 3 mobile homes would be 6, is 8, 5 apartments would be 10 is 18, like I said, 14 cars just in the rear parking area.

MR. TORLEY: One question on the parking shows back here for the mobile homes I'm looking at.

MR. HILDRETH: It's off-street.

MR. TORLEY: Is that on the Clancy right-of-way?

MR. HILDRETH: Actually, it's in the right-of-way, correct, if you look at the tax map, it comes down and jogs.

MR. TORLEY: It's not his property?

MR. HILDRETH: It's not on the property.

MR. TORLEY: Those don't exist as far as his property.

MR. HILDRETH: There again, if you are looking in terms of parking on the property, no. In the real world, that is where they park.

MR. MONACO: Nothing was changed back there, that has been like that forever, as long as I have been there.

MR. HILDRETH: If you are looking at what you can count that he can get on the property, no, you can't count them, that is true.

MR. KANE: We have to look at what we can legally count.

MR. HILDRETH: Right, so those are the variances we're going to need but part of the presentation and part of what I want to try to make sure everybody understands is that there's room to park some cars there.

MR. KANE: This service establishment you believe that is for the sewing machine office?

MR. HILDRETH: I really don't know.

MR. KANE: Does that, so I can understand that, does that predate the zoning, has that been in there that long that it pre-dates?

MR. TORLEY: The commercial use in that area.

MR. KANE: Commercial use pre-dates.

MR. HILDRETH: Commercial use, this sewing machine operation does not.

MR. TORLEY: Has it been continuously used as a commercial use? Correct me if I am wrong, if it's been continually used as a commercial operation since the 30's it's grandfathered.

MR. HILDRETH: That space has always been commercial.

MR. KRIEGER: If they can show that, my guess is the building inspector may cite them because the building inspector is unable to prove that but if they can show that if it's continuous without a break of a year or more and they were in between.

MR. HILDRETH: There may have been some breaks, I don't know how long they were. But as I said, the commercial--

MR. MONACO: There was a machine shop in there, I moved in there 22 years ago, I started renting the shop from a relative, Mike Colandrea, and the machine shop had been there from before I moved in.

MR. KANE: Just so you know to get a use variance, you have to prove a lot of financial hardship in here and that doesn't mean making a profit on your property, even if you have to sell it. The use thing is very difficult to get. So I think what we're getting at if there's anything that you can show that is pre-existing, it's to your benefit to research that and do that cause our hands are tied very tight.

MR. HILDRETH: I have copies of the records from the tax office.

MR. KANE: Just to let you know where we are going with that.

MR. HILDRETH: That is why I wanted to show these to you tonight, I have already looked at it and the commercial use goes back as far as 1930.

MR. TORLEY: What about the used car stuff?

MR. MONACO: Dominick Faracelli, who owned the property prior to Mike Colandrea was selling cars back into the 60's, that I know.

MR. KANE: We need you to establish that.

MR. KRIEGER: Zoning came into effect in '66?

MS. BARNHART: '66, November 11, 1966.

MR. MONACO: Dominick Faracelli owned the little house on the property the one-family house and he was selling cars out of there, I can find out, you know.

MR. KANE: You'll need to document that as best as you can.

MR. NUGENT: You also had the mobile homes back there cause I remember those as a kid.

MR. KANE: Anything you can document.

MR. HILDRETH: What do you need for documentation?

MR. LANGANKE: Telephone bills, correspondence.

MR. KANE: Tax rolls, check the tax office what's on the tax rolls.

MR. HILDRETH: Tax rolls, they are very vague, they say commercial two apartments one shop.

MR. KANE: Copy of the commercial two apartments one shop if you can show that from the tax department that proves it.

MR. MONACO: Dominick's wife, she's around, I bought the house from her, the little house.

MR. TORLEY: You have to have something in the record that establishes the use.

MR. MONACO: Notarized statement from her maybe?

MR. LANGANKE: Exactly, that would be very helpful.

MR. MONACO: She moved to Florida but she's back up here for the summer so--in fact, she holds the mortgage on this little house.

MR. LANGANKE: Any evidence we can use to help us make a decision.

MR. TORLEY: Old pictures are good showing a 1947 car sitting out there.

MR. MONACO: I'll call her.

MR. NUGENT: If he can show it's before zoning.

MR. KRIEGER: He's got to prove that it existed before zoning. Also has to prove that it existed without a break so the photograph of the old car may be in certain circumstances sufficient to satisfy question

number one but the only way--

MR. KANE: The financial part is going to be very difficult for them to prove.

MR. HILDRETH: Financially in terms of today what's going on here, he's got this square footage that obviously you need to rent out if you are going to own the property, the one tenant he had that was a good tenant, it was a clean operation, turns out is not compatible because of building codes and we find that out when we come before the planning board to clean up the order to remedy so he's lost that tenant.

MR. KANE: You need to put it in dollars and cents. I'm just telling you what we need to see because this is state regulated.

MR. KRIEGER: Perhaps this would be helpful, Bill, I don't know if I have given you these in the past, but I have here the criteria for both area and use variances that the state has set forth, the requirements of the Zoning Board of Appeals must adhere to according to the state and in connection with Member Kane's comments, I direct your attention to number one on the use variance criteria.

MR. HILDRETH: All right.

MR. TORLEY: Let's establish if there were mobile homes pre-existing zoning and those mobile homes we replaced with a new one but on the same pad.

MR. KRIEGER: As long as it was continuous, as long as that space didn't cease being a mobile home space for a year or more.

MR. TORLEY: I doubt they are 40 years old.

MR. MONACO: One of them there is very old, I don't know how long it's been there, he's related.

MR. KRIEGER: I should think that there would be a person in that area who has is existing now has continuous or has memory back to November 11, 1966 and

could probably testify or submit an affidavit anyway for all of these questions, all of these, the mobile homes and the shop.

MR. MONACO: I believe the one tenant that is there has been there before, he's related to Faracelli.

MR. KRIEGER: I don't know who that is, you have got to find him.

MR. MONACO: Well, no, he's there.

MR. TORLEY: The rest of these are housekeeping and really trying to make things right.

MR. HILDRETH: The parking is going to be, I mean if and when this goes back to the planning board, the planning board is going to want to know what they are dealing with. The reality of it is we can't demonstrate by using 10 x 20 foot spaces anywhere near what's required. However, he's got room and he's functioning at this point with the space that is available. He's got room for the cars. One of the things I really would strongly suggest because pictures don't do justice, is anybody that has a chance go out and check it out. Because a walk through there--

MR. KANE: Let me ask you a question.

MR. HILDRETH: It's hard to put all this down on a flat piece of paper.

MR. KANE: Where the used car sales office is that where the new tax line is going to run right through the building?

MR. HILDRETH: No. What we have is 4 tax lots, if I may, just to help you out, you have got 4 tax lots, if you look over here, you can see them.

MR. KANE: Where are you going to--

MR. HILDRETH: What we're going to do is put a property line along this fence.

MR. KANE: One, two and three up the middle here?

MR. HILDRETH: Yes, we're stealing a little of this for that, we're combining this for that, look for the tax lot numbers here, right there and there.

MR. KANE: So this is lot number 2 in the middle?

MR. HILDRETH: If you want to look at the lot line change, this is new tax lot 3, this is old tax lot 3. This is old tax lot 2 and old tax lot 2 to be combined with the new tax lot 2.

MR. KANE: Lot number 3 on here is this here, you don't need a variances for the tax lot 2?

MR. HILDRETH: Our position here is mobile home is pre-existing, all we're doing is cleaning up the boundary problems.

MR. KANE: And you won't need anything with the new lot line change going in there?

MR. HILDRETH: Well, we're not making, we have an encroachment here and we're not making it any worse. In fact, we're making it better cause we're making it bigger.

MR. KANE: Mobile home area we're not really touching as far as your variances.

MR. HILDRETH: I don't think so. I don't think it's required. It stands on its own as a pre-existing use.

MR. KANE: We're not even touching the mobile home area.

MR. HILDRETH: This is very complicated.

MR. TORLEY: Parking isn't going to be a problem because we cannot count parking area that you don't own.

MR. HILDRETH: That is fine, what we can do--

MR. MONACO: Added spaces for parking, there is more parking now than there was.

MR. KANE: Larry, how would you feel about postponement of the Preliminary Hearing at this point so we can actually take a look at the lot? I don't want to set him up for a public hearing and not be able to hit him with other questions we have at the public hearing. I don't think that would be fair. I think going out to see the thing and coming back and picking up in the preliminary hearing so he has an idea of what he is facing.

MR. LANGANKE: It would give him an opportunity to try and get some of the evidence.

MR. HILDRETH: We're going to need some time to do that.

MR. KANE: If you gentlemen agree, I'd like to table this discussion for the time being so that we can go visit the site and then have, and try to get you on the schedule two weeks from now.

MR. KRIEGER: You can make a motion to table.

MS. BARNHART: Two weeks is Memorial Day.

MR. TORLEY: Are we going to have a special meeting or just drop it?

MR. KANE: No, just in the next meeting.

MR. TORLEY: Second Monday in June.

MS. BARNHART: The tenth of June is the next meeting.

MR. KANE: That would be a preliminary meeting.

MR. KRIEGER: That would be your motion to table it until the tenth of June as opposed to indefinitely?

MR. KANE: If the applicants don't have a problem.

MR. HILDRETH: One of the reasons I need to be specific

about the date, we have--

MS. BARNHART: June ten.

MR. HILDRETH: Is because of the order to remedy we have to report.

MR. NUGENT: You're here.

MR. KRIEGER: You have to report back.

MR. NUGENT: Can I ask you one more question?

MR. HILDRETH: You sure can. You can ask two if you want.

MR. NUGENT: At the bottom of the drawing on the left side of the page there's parking area five cars, does that belong to his property?

MR. HILDRETH: No, that is in the town right-of-way. If you look over here, if you can, at the little tax map, you can see how Clancy Avenue has a jog in it, that jog occurs right here.

MR. KANE: We can't count that.

MR. HILDRETH: It's there, they can use it, but you can't count it.

MR. LANGANKE: But that parcel is not a problem, is it?

MR. KANE: No, that is not a problem but they are looking at the parking maybe towards the parking on lot number 2, is jog in the middle.

MR. KANE: Would you accept a motion at this point?

MR. REIS: Do you have separate water meters on these lots?

MR. NUGENT: Does any of the tenants at this point park on the street?

MR. HILDRETH: No, they all park here.

MR. NUGENT: All the people here which actually have parking here.

MR. HILDRETH: There again, it's all paved, you got room to pull in and park here but when the tenants come in for the evening go to night-night, they park in the back. He's got a gate here, it's great.

MR. NUGENT: And the house parks over here?

MR. HILDRETH: Yes, that is their own parking.

MR. NUGENT: That is completely separate?

MR. HILDRETH: Yes.

MR. NUGENT: I'm accept a motion.

MR. KANE: So moved.

MR. TORLEY: Second it.

MR. KRIEGER: Table until June ten.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

CAF-
8/12/96-

CARMEN MONACO PROPERTY

120 WALSH ROAD, NEW WINDSOR, NY

INCOME

			BEFORE VARIANCE	IF VARIANCE IS DENIED
TENANT	SINCE	SIZE OR ROOMS	ANNUAL RENT	
Ronaisance Blinds	1996	1500 SF	\$ 5,400	\$ 5,400
Crystal Auto Glass	01/93	660 SF	\$ 5,400	Vacated
Patterson	10/92	4-2-1 Average size Fair Condition	\$ 5,700	\$ 5,700
Santimer	1996	4-2-1 Small size Fair Condition	\$ 5,400	\$ 5,400
Palumbo	10/94	3-1-1 Average size Very Good Condition	\$ 3,600	Vacated
Vacant		3-1-1 Small size Good Condition		Vacated
TOTAL			\$25,500	\$16,500

CARMEN MONACO PROPERTY**120 WALSH ROAD, NEW WINDSOR, NY****EXPENSES**

EXPENSES		
ITEM	BEFORE VARIANCE	IF VARIANCE IS DENIED
REALTY TAXES	\$ 5,600	\$ 5,600
INSURANCE	\$ 1,987	\$ 1,987
WATER & SEWER	\$ 994	\$ 497
HEAT & ELECTRICITY	\$ 3,136	\$ 1,568
SNOW REMOVAL	\$ 150	\$ 150
LAWN CARE	\$ 90	\$ 90
MAINTENANCE & REPAIRS	\$ 2,233	\$ 1,116
ADVERTISING	\$ 100	\$ 100
LEGAL & ACCOUNTING	\$ 250	\$ 250
PROFESSIONAL PROPERTY MANAGEMENT	\$ 1,275	\$ 825
RESERVES FOR REPLACEMENT		
Roof/Expected Life \$2,500/20	\$ 125	\$ 125
Heat/Expected Life \$3,500/20	\$ 175	\$ 175
Ranges & Refriger- ators/Expected L. \$1,600/10	\$ 160	\$ 160
Paving/Expected Life \$3,500/10	\$ 350	\$ 350
TOTAL	\$16,625	\$12,993

CARMEN MONACO PROPERTY

120 WALSH ROAD, NEW WINDSOR, NY

PROFIT/LOSS PRO-FORMA

EXPENSES		
	BEFORE VARIANCE	IF VARIANCE IS DENIED
INCOME	\$25,500	\$16,500
EXPENSES	(\$16,625)	(\$12,993)
NET OPERATING INCOME	\$ 8,875	\$ 3,507
MORTGAGE PAYMENTS	(\$16,649)	(\$16,649)
CASH FLOW	(\$ 7,774)	(\$13,142)



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

1763

June 11, 1996

48

Grevas & Hildreth P.C.
33 Quassaick Ave.
New Windsor, NY 12553

RE: Tax Map Parcels: 13-2-2, 3, 20, & 22

Dear Mr. Grevas:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00. Please remit the balance of \$60.00 to the Town Clerk's Office.

Sincerely,

L. Cook
LESLIE COOK
Sole Assesor

/cd
Attachments

cc: Pat Barnhart ZBA

Maskey, John
86 Walsh Rd.
New Windsor, NY 12553

Burgoa, Jorge
492 Liberty St.
Newburgh, NY 12550

Padavano, Jr. Lawrence J.
c/o Sophie Padavano
Box 321, Quaker St.
Wallkill, NY 12589

Hulse, Walter J.
97 Clancy Ave.
New Windsor, NY 12553

Sherwood, Gregory & Dawn
115 Clancy Ave.
New Windsor, NY 12553

Sunderlin, David L. & Lorraine A.
83 Clancy Ave.
New Windsor, NY 12553

Colandrea, Michael & Elena Marie
5 Sylvia St.
Newburgh, NY 12550

Bessette, William E. & Iris Rodriguez Bessette
128 Walsh Rd.
New Windsor, NY 12553

3 D Realty Inc.
c/o Damario, Carmine & Louise
61 Clancy Ave.
New Windsor, NY 12553

Jacopino, Edward A. & Ellen
140 Walsh Rd.
New Windsor, NY 12553

Wein, Susan & Edward J.
154 Walsh Ave.
New Windsor, NY 12553

Petrillo Properties Inc.
150 Walsh Rd.
New Windsor, NY 12553

Crudele, Anna T.
12 Merline Ave.
New Windsor, NY 12553

Lubow, Stanley X
PO Box 459
Washingtonville, NY 10992

Faricellia, John & Michael X
650 Blooming Grove Tpke.
New Windsor, NY 12553

Petrillo, Ralph J. & Robert J. Petrillo & Gary Dreyer
150 Walsh Rd.
New Windsor, NY 12553 X

Messina, Anthony
15 Merline Ave.
New Windsor, NY 12553 X

Dreyer, Gary & Darla
18 Veronica Ave.
New Windsor, NY 12553 X

Crudele, Alfred T.
64 Clancy Ave.
New Windsor, NY 12553 X

Maslowski, Carol
22 Merline Ave.
New Windsor, NY 12553 X

Davis, Charles H. & Fanny
30 Merline Ave.
New Windsor, NY 12553 X

Hulse, Byron & Mary
34 Merline Ave.
New Windsor, NY 12553 X

Smith, Everett & Mary
34 Merline Ave.
New Windsor, NY 12553 X

Gillispie, Gerald & Livingstone, Joan
36 Merline Ave.
New Windsor, NY 12553 X

Calvanico, Dominick A. & Darien M.
42 Merline Ave.
New Windsor, NY 12553 X

Choudhry, Azam
PO Box 4636
New Windsor, NY 12553 X

Forrestal, John & Patricia
23 Myrtle Ave.
New Windsor, NY 12553 X

Kaczmarek, John X
13 Myrtle Ave.
New Windsor, NY 12553

Duda, John L. & Janet X
80 Clancy Ave.
New Windsor, NY 12553

Bucci, Richard S. X
2 Myrtle Ave.
New Windsor, NY 12553

Curry, Rosella & Terri L. Rogers
12 Myrtle Ave. X
New Windsor, NY 12553

Reardon, Joseph A. & Ethel K. X
14 Myrtle Ave.
New Windsor, NY 12553

Cangelosi, Gasper & Elizabeth X
20 Myrtle Ave
New Windsor, NY 12553

Carlson, Carl E. & Gwendolyne E. X
26 Myrtle Ave.
New Windsor, NY 12553

Makarewicz, Edward X
31 Cherry Ave.
New Windsor, NY 12553

Flagler, Richard P. & Jane X
1061 Plains Rd.
Wallkill, NY 12589

Cardamone, Frank & Anna X
27 Cherry ave.
New Windsor, NY 12553

Makarewicz, Stanley R. & Dorothea Janet X
17 Cherry Ave.
New Windsor, NY 12553

Bonet, Hector M. & Catherine F. X
15 Cherry Ave.
New Windsor, NY 12553

Eachus, Christopher W. & Kimberly Anne Sanders X
112 Clancy Ave.
New Windsor, NY 12553

Wilsons & Conklins Modern Vending Inc. X
5 Koran Ave.
New Windsor, NY 12553

Brock, Larence H. & Roberta J.
106 Clancy Ave.
New Windsor, NY 12553

Pattine, Michael J. Jr. & Wilma
102 Clancy Ave.
New Windsor, NY 12553

Heller, Kenneth H. & Patricia
100 Clancy Ave.
New Windsor, NY 12553

Nieves, William & Catalina
96 Clancy Ave.
New Windsor, NY 12553

Coleman, Jennie & Waite, Dolores & Spignardo, John & Frank
82 Clancy Ave.
New Windsor, NY 12553

Smith, Albina J. Bugiada
2 Cherry Ave.
New Windsor, NY 12553

Cavigchio, Leonard & Evelyn
4 Cherry Ave.
New Windsor, NY 12553

Jones, Lawrence & Loretta E.
22 Cherry Ave.
New Windsor, NY 12553

Dell, Donald J. & Lucille J.
28 Cherry Ave.
New Windsor, NY 12553

Cannon, Kevin T. & Lisa M.
32 Cherry Ave.
New Windsor, NY 12553

Radulski, Janet M.
23 Koran Ave.
New Windsor, NY 12553

Cruz, Willibaldo & Hortencia & Narcisco
40 Benkard Ave.
New Windsor, NY 12553

Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

H C Davis Boilerworks, Inc.
3 Susan Dr.
New Windsor, NY 12553

NP Funding II LP X
77 Walsh Rd.
New Windsor, NY 12553

Glynn, Arthur G. & Edward J. Lowe X
68 Walsh Rd.
New Windsor, NY 12553

Air Products & Chemicals Inc.
PO Box 2608
Lehigh Valley, PA 18001-2608 X

Thompson, Ellen W. X
135 Walsh Ave.
New Windsor, NY 12553

F. T. Realty Holding Corp.
c/o Fred E. Thompson X
135 Walsh Ave.
New Windsor, NY 12553

Greenspan, Hyman & Miron, Stephen E. & Montfort, John
c/o Federal Block Corp. X
John St. & Walsh Rd.
New Windsor, NY 12553

P&T Realty of New Windsor Inc.
144 John St. X
New Windsor, NY 12553

STATE OF NEW YORK)
COUNTY OF ORANGE) SS:

ELENA COLANDREA, being duly sworn deposes and says:

1. I reside at 5 Sylvia Street, Newburgh, New York 12550.
2. I am the former owner of the premises located at 120 Walsh Ave., New Windsor, New York 12553, known as Active Auto Sales and owned by Carmen Monaco.
3. In fact, I resided next to the subject premises at 114 Walsh Ave., New Windsor, New York from 1957 through 1971. During that period of time, my grandfather, Dominick Faricellia, resided at 120 Walsh Avenue.
4. Throughout the period of time that my grandfather resided at 120 Walsh Ave., the subject premises were utilized as a used car business and for other rental units.
5. In 1973, I purchased the property from my grandfather's estate. Following that purchase, I had several types of businesses renting the subject premises from me including a machine shop, tire sales and service and a boat shop.
6. The subject premises continued to be utilized in such a commercial manner until I sold the same to Carmen Monaco in or about 1986.
7. I realize that the Zoning Board of Appeals of the Town of

New Windsor will rely upon the aforesaid statements in
considering Mr. Monaco's application for a variance.

Elena Colandrea
Elena Colandrea

Sworn before me

this 8th day of August, 1996.

Kathy Pascale
Notary Public

KATHY PASCALE
NOTARY PUBLIC - State of New York
Residing in Orange County
4902384
Commission Expires 8-3-97

STATE OF NEW YORK)
) ss:
COUNTY OF ORANGE)

MARY G. FARICELLIA LAROSA, being duly sworn deposes and says:

1. I reside at 13B Macintosh Place, Newburgh, New York 12550.
2. This affidavit will confirm that the lots owned by my late husband and I on Clancy Avenue, New Windsor, New York were always used as commercial property and more specifically were used for a Used Car Lot by myself and my late husband, Dominick Faricellia.
3. I had a New York State permit and dealer plates from 1962 to 1969.
4. Our office and garage were listed as 120 Walsh Road. However, our sales lots were in the rear on Clancy Avenue.
5. I realize that the Zoning Board of Appeals of the Town of New Windsor will rely upon the statements contained in this affidavit in making their determination with respect to an application for a variance from the present owner of the premises, Carmen Monaco.

Mary G. Faricellia LaRosa
Mary G. Faricellia LaRosa

Sworn to before me

this 12th day of August, 1996.

Kathy Pascoe
Notary Public

KATHY PASCALE
NOTARY PUBLIC - State of New York
Residing in Orange County
4902384
Commission Expires 8-3-97

Date 6/20/96, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

to Frances Roth 147 Sycamore Dr DR.
New Windsor, NY 12553

DATE			CLAIMED	ALLOWED
6/10/96	Zoning Board Meeting		75 00	
	Misc - 2			
	Belle - 1			
	Cuttica - 3			
	9 40.50			
	Morfe - 3 - 13.50			
	Schultz - 4			
	Castro - 5			
	Tepper - 2			
	Lindemann - 4			
	Petronella - 4		166 50	
	<u>37 pp</u>		<u>241 50</u>	

~~MONROE - CHAMBER~~

MR. NUGENT: Second Preliminary. Referred by Planning Board for the following: Lot #2 - use variances for multi-family, service establishment, used car sales; area: parking spaces. New Lot #3 proposed: 11,580 square feet lot area, 41.31 ft. lot width, 35 ft. front yard (pre-existing), 11.5 ft. side yard, 19.3 ft. total side yard, 1.31 ft. required frontage, 27% developmental coverage for lot line change (three lots from four) at Walsh Avenue in R-4 zone.

Mr. William Hildreth appeared before the board for this proposal.

MR. HILDRETH: Good evening, I see by your agenda you have a full schedule tonight. In order in a effort to be brief, I don't necessarily have to go over anything that was gone over the last time, unless you would like me to. The way we had left it, it was tabled for a site visit and in case you had some more questions or just to put the property in your minds what we'd like to do is set it up for a public hearing, obviously.

MR. NUGENT: Did you visit?

MR. TORLEY: Yes, I went by there. The only question I have is on the parking really the rest of it seems appropriate for the site.

MR. KANE: My own personal opinion I don't have a problem with the site, I just wondered if he can meet at requirements, the financial requirements for the change of the use of the property or that could be difficult for him.

MR. NUGENT: That is going to be the hardest part.

MR. LANGANKE: Weren't we going to determine if it was pre-existing?

MR. HILDRETH: Exactly. To that end, I have letters from the previous owners addressing all the previous uses going back to here again, I have the letters here, these are copies, I'm prepared to present the originals

June 10, 1996

7

at the public hearing or I can give them to you now.

MR. KANE: Would they qualify as far as--

MR. KRIEGER: I don't know, I haven't seen them.

MR. HILDRETH: One is from, well, here, they are, if you have any questions, Carmen can address exactly who those people are a little better than I can since I haven't met them. But basically these uses are continuing. We're expanding the apartments, we're requesting two more, I believe over and above what was there before and that is going to take place in the square footage of that large white building for those of you that were there.

MR. NUGENT: You're taking something else, you're taking something else to put those apartments in, correct?

MR. HILDRETH: Much of that was just storage for the used tire sales use, use that is mentioned in there, part of it was the machine shop which is now the sewing machine shop that I explained last time.

MR. KANE: Is that change of use or just reconfiguring the property.

MR. HILDRETH: It's an expansion of the apartments for sure.

MR. TORLEY: But the apartments would be legal in that zone would they not?

MR. KANE: Not multi-family.

MR. HILDRETH: Because we're over four, it's multi-family.

MR. NUGENT: Not multi, that area is not multi-family, what's the zone there?

MR. HILDRETH: This particular property is R-4, PI right across the street.

MR. TORLEY: So the additional apartments would be a use variance?

MR. HILDRETH: Because of multi-family.

MR. KANE: The financial part I don't have a problem with the project but proving the financial part is going to be difficult.

MR. HILDRETH: He's dealing with the square footage he has, he hasn't added any square footage so that square footage he's entitled to a return on that. The majority of it at one time was taken over by the machine shop and it's storage and whatnot, there was the garage is here that they use that space for storage, all of those types of uses are gone.

MR. KANE: Again, I'm not against it but the state doesn't define that return equals a profit, they don't define reasonable, that is the difficulty.

MR. HILDRETH: We understand the hurdles and we're going to do the best we can.

MR. KANE: We don't want to waste your money if it is going to be very difficult to prove.

MR. NUGENT: The original footprint of the building is not changing?

MR. HILDRETH: Absolutely not.

MR. TORLEY: So the question becomes and I would say that it doesn't make a difference that you have gone from a machine shop industrial quote type material and converting that into apartments, even though neither one of those--

MR. HILDRETH: Are permitted in the zone.

MR. KANE: They are pre-existing maybe.

MR. TORLEY: Your apartments aren't.

MR. KANE: No, but it's changing the configuration,

does that make a difference?

MR. TORLEY: If you did--

MR. KANE: You still have commercial environment, you still have an apartment environment.

MR. TORLEY: If you had two or three apartments pre-existing and expanded one of the apartments into the space adding an additional apartment is to my mind is a required use variance.

MR. KANE: Well, he has.

MR. KRIEGER: Expanding pre-existing non-conforming use is pre-existing non-conforming uses are supposed to be limited to, not as far as pre-existing non-conforming is concerned.

MR. TORLEY: Expanding the use of the area in any case you have got the two problems and I, the problem I had was was the site was very nice, well maintained, looked good.

MR. HILDRETH: It doesn't assault the neighborhood.

MR. TORLEY: Kudos to the applicant for having a nice setting. My other problem is the parking for the trailer people. That takes place on Clancy Avenue, the parking for that does not take place on the site.

MR. TORLEY: Isn't he required off-street parking?

MR. LANGANKE: The trailer was there for 40 years.

MR. KANE: Trailer isn't in the application.

MR. LANGANKE: Has nothing do with what we're talking about.

MR. HILDRETH: Other than the lot line change that affects the trailers.

MR. KRIEGER: The reason, you're right, normally parking is required to be on the property, the reason

for the parking variance request is that because of the peculiar nature of this property, it isn't?

MR. HILDRETH: We also can't meet on this site.

MR. KRIEGER: One of the reasons for the parking variance.

MR. HILDRETH: Correct, there's others. The site that is going to contain the apartments and used car sales by definition parking spaces have to be 10 x 20, we can't provide as many as we need to in the space available, although we can fit that number of cars in there not 10 x 20 space, did you see the parking lot in the back?

MR. TORLEY: Yeah, I went around the back.

MR. HILDRETH: Was it full?

MR. LANGANKE: Wasn't full.

MR. HILDRETH: There was several cars there at the time.

MR. NUGENT: Would you enlighten me on the objections of the planning board other than--

MR. HILDRETH: Obviously the variances that we need. In other words, why are we here in the first place?

MR. NUGENT: I know why you are here because you don't meet the requirements of the town.

MR. KRIEGER: My recollection if I may, cause I was there, my recollection of the planning board approach was simply that once it was identified that they needed some variances, they didn't, the planning board didn't want to go any further with the site plan application until they knew as I recall there was no particular as far as it went, there was no particular objection on the part of the planning board. It didn't come to the zoning board flagged in any way, I don't think they had a problem with it, it was just--

MR. HILDRETH: They recognize that this has to be addressed and they can't address the site plan issues that is deficient in zoning.

MR. KANE: I don't have a problem setting him up for a public hearing but it's going to be difficult.

MR. HILDRETH: We know we have some hurdles to jump.

MR. NUGENT: I'm looking at there is a lot of variances here, and there's really no way to reduce the number of them.

MR. HILDRETH: With respect to the area variances you're absolutely correct.

MR. NUGENT: Because it's an existing building.

MR. HILDRETH: We were here for area variances, it won't be too much of a discussion, it's the uses.

MR. KANE: Do you accept a motion?

MR. NUGENT: Yes.

MR. KANE: Move we set up Mr. Monaco for public hearing on his requested variances.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. TORLEY: In light particularly of this, in view of the court decisions we have been handed, you have to make it real careful on the dollars and cents part of the application.

MR. HILDRETH: Appreciate it, yes, anything in particular you're looking for, just real careful, you

just mean make sure the numbers are right?

MR. KANE: No cover every base.

MR. NUGENT: And reasonable--

MR. HILDRETH: Well, okay.

MR. TORLEY: Has to be pretty detailed, not just one line of numbers, yeah, we think we can get this much.

MR. HILDRETH: Detailed in terms of past year?

MR. KANE: Dollars and cents.

MR. KRIEGER: What you have to show is that the applicant cannot realize a reasonable return for any permitted use. Now, that means anything that the statute allows, that means if--

MR. HILDRETH: Pre-existing uses aren't taken into consideration?

MR. KRIEGER: No, in terms of reasonable return that he could use, the now reasonable return is not, they kindly told us what it is not, it's not a profit, so any discussion about profit, any discussion about highest and best use is basically irrelevant.

MR. HILDRETH: Highest and best use is now irrelevant?

MR. KRIEGER: As far as that test is concerned. There are some properties where it is possible for an applicant to show that it would not have any reasonable return, it would be essentially without value. Other than minimal. That is when they originally drafted the statute, the standard was and it remains so for a year was that the property would not have any value if used as zoned. The legislature in its collective wisdom decided that is too harsh so they changed it to reasonable value.

MR. HILDRETH: Reasonable can also be subjective.

MR. KRIEGER: Very much so. If there's any room for

latitude, statute is perhaps there.

MR. HILDRETH: Does that latitude fall on the zoning board or on--you don't have to answer that.

MR. TORLEY: One other thing that is part of this, you have owned the property for a considerable period, probably not too applicable to you but you can't say that I paid X amount of dollars for that property.

MR. HILDRETH: That I'm aware of.

MR. TORLEY: That doesn't fly.

MR. HILDRETH: If you paid too much for it, that is your problem, no, I understand that.

MR. KRIEGER: If you enter it as evidence as what it is reasonably worth what he paid for it is not the question in terms of his individual value. If there is expertise that that is what the property was at the time reasonably worth, then from the standpoint of of it being worth that, that is a beginning point when you measure reasonable return.

MR. HILDRETH: Did we establish a date?

MS. BARNHART: No.

MR. HILDRETH: Do I work that out with you?

MR. KRIEGER: Yes.

MR. HILDRETH: When we have a date, I have got to fill out the rest of that legal notice.

MR. KRIEGER: Don't forget he needs a short form EAF.

MR. HILDRETH: You have everything else.

MS. BARNHART: It's already in the file but I don't have the legal notice so that is the thing that is--

MR. HILDRETH: Is tomorrow too soon to talk to you?

June 10, 1996

14

MS. BARNHART: Don't call me in the morning, please.

MR. HILDRETH: Tomorrow afternoon?

MS. BARNHART: Good.

MR. KRIEGER: Why don't you just, so Mike can look at them ahead of time--

MR. REIS: Are you clear which direction you're going on?

MR. HILDRETH: Yes.

MR. KRIEGER: At the hearing, the reason I wanted the copies, I want the building inspector to look at them because I want his comments before rendering an opinion of the board to what I think they say or don't say.

MR. HILDRETH: Will that be at the public hearing or that take place after?

MR. KRIEGER: No, the public hearing is designed to be the last step, so that is the latest that it would take.

MR. HILDRETH: Okay. I have my request for my mailing list. Thank you very much.

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>CARMEN MONACO</i>	2. PROJECT NAME <i>SITE PLAN - LOT LINE CHANGE & MOBILE HOME PARK</i>
3. PROJECT LOCATION: Municipality <i>TOWN OF NEW WINDSOR</i> County <i>ORANGE</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>WEST SIDE OF WALSH AVE 200' SOUTH OF CAROL AVE FRONTAGE ON CLANCY AVE OPPOSITE CHERRY AVE TAX MAP SECTION 13 BLOCK 2 LOTS 2, 3, 20 AND 22</i>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>RE-STRUCTURING OF 4 TAX LOTS INTO 3 TAX LOTS. SITE PLAN FOR SINGLE FAMILY RESIDENCE, FIVE APARTMENTS, SEWING MACHINE SHOP AND MOBILE HOME PARK</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>0.5</i> acres Ultimately <i>0.5</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>USE AND AREA VARIANCES REQUIRED FOR APPROVAL</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <i>TOWN OF NEW WINDSOR PLANNING BOARD APPROVAL</i>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>N/A</i>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>CARMEN MONACO</i>	Date: <i>7 MAY 1996</i>
Signature: <i>William R. Stewart L.S. (PREPARED)</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.67 If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	

Name of Lead Agency	
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

Date	

PROPERTY DESCRIPTION

SECTION	BLOCK	LOT	TOWN OR VILLAGE	SPECIAL DISTRICT					ASSESSED VALUE			SEQ.	
				SCHOOL	FIRE	LIGHT	WATER	OTHER	LAND	IMPROV.	TOTAL		
13	02	0020029	TOWN OF NEW WINDSOR.	1	2	1	3	1	4160	9800	13900	N	
OWNER NO.	LOCATION								DIMENSIONS		ACRES		
17110	T 451 452 CITY PK								060X101				
OWNER ADDRESS										DEED RECORDED			
FARCELLIA DOMINICK										DATE	BOOK	PAGE	
124 WALSH RD NEWBURGH N Y										121558	1486	14	
<i>69 Clancy Avenue</i>													
COLANDREA, MICHAEL & ELENA													
124 WALSH AVE N.Y.										11571	1991	934	
<i>120</i>													
83 CLANCY AVE NEW WINDSOR													
MONACO CARMEN										092288	3013	273	
292 Prospect Hill Rd., Wallkill, NY 12589													

ORANGE COUNTY PROPERTY MAP and RECORDS SYSTEM

AER
DIVISION

PROPERTY DESCRIPTION

SECTION	BLOCK	LOT	TOWN OR VILLAGE	SPECIAL DISTRICT					ASSESSED VALUE			SEG.
				SCHOOL	FIRE	LIGHT	WATER	OTHER	LAND	IMPROV.	TOTAL	
13	02	0030029	TOWN OF NEW WINDSOR	1	2	1	3	1	4100	9700	13800	N

OWNER NO.	LOCATION	DIMENSIONS	ACRES
05200	LT 449 450 CITY PK.	060X101	

OWNER ADDRESS			OWNERSHIP RECORD			DEED RECORDED		
						DATE	BOOK	PAGE
BRANDER, RALPH C						011563	1632	677
126 WALSH AVE, NEWBURGH N Y								
PARICELLIA MARY G c/o Carmen Monaco						92658	1804	588
134 WALSH AVENUE, NEW WINDSOR, NY								
126								
Box 292 Prospect Hill Rd., Wallkill, NY 12589								
(changed per written request on 1/23/								

AERO SE
DIVISION OF LITTON

ORANGE COUNTY PROPERTY MAP and RECORDS SYSTEM

SECTION	BLOCK	LOT	TOWN OR VILLAGE	SPECIAL DISTRICT						ASSESSED VALUE		
				SCHOOL	FIRE	LIGHT	WATER	OTHER	LAND	IMPROV.	TOTAL	
13	02	02000	29 TOWN OF NEW WINDSOR	1	2	1	3	1	3000		3000	N
OWNER NO.		LOCATION							DIMENSIONS		ACRES	
									060X080			
OWNER ADDRESS ↓		OWNERSHIP RECORD							DEED RECORDED			
									DATE	BOOK	PAGE	
FARICELLIA DOMINICK 124 WALSH AVE, NEWBURGH N.Y. New Windsor									122862	1631	1032	
FARICELLIA, MARY GRACE 124 WALSH AVE N.W.									131722	016	268	
126 WALSH AVE NEW WINDSOR												
Monaco, Carmen Box 292, Prospect Hill Road, Wallkill, NY 12589									9 16 88	3009	260	

ORANGE COUNTY PROPERTY MAP and RECORDS SYSTEM

AERO SERVICE
DIVISION OF LITTON INDUSTRIES

PROPERTY DESCRIPTION														
SECTION	BLOCK	LOT	TOWN OR VILLAGE	SPECIAL DISTRICT					ASSESSED VALUE			SEQ		
				SCHOOL	FIRE	LIGHT	WATER	OTHER	LAND	IMPROV.	TOTAL			
13	02	0220029	TOWN OF NEW WINDSOR	1	2	1	3	1	1900	1400	3300	N		
OWNER NO.	LOCATION								DIMENSIONS		ACRES			
17160	LT 466 CITY PK. (3 Tracts)								60		930X080			
OWNER ADDRESS									OWNERSHIP RECORD				DEED RECORDED	
FARICELLIA DOMINICK									DATE	BOOK	PAGE			
MD 23 WALSH AVE, NEWBURGH N Y									012859	1490	176			
COLANDREA, MICHAEL & ELENA									MARIE					
114 WALSH AVE N. Y.									11574/1994 934 / 65					
83 CLANCY AVE NEW WINDSOR														
Monaco, Carmen									9 22 88	3013	273			
292 Prospect Hill Road, Wallkill, NY 12589														

AERO SE
DIVISION OF LITTON

ORANGE COUNTY PROPERTY MAP and RECORDS SYSTEM

MEMO

To: TOWN BOARD MEMBERS
From: Phil Crotty
Subject: PROPOSED REVISIONS TO CODE OF ETHICS
Date: May 6, 1996

There has been a request to revise **Section 18-A-5. Conflict of Interest**. The specific paragraph of that section is Section "D". The present section of the Code reads as follows:

D. Furthermore, no town officer, Town Board member, town employee, town consultant or member of any board serving the Town of New Windsor shall:

(1) Appear as attorney or counsel or representative against the interests of the town in any matter in which the town is a party or complainant, without the written consent of the Town Board.

(2) Solicit any nonellected officer or employee of the town to pay or promise to pay any assessment, subscription or contribution to a political party, political party organization or election campaign.

(3) Solicit participation in an election campaign or payment or promise of payment of any assessment, subscription or contribution to a political party, political party organization or election campaign from any person who, to the knowledge of the town officer or employee, has or within the previous twelve (12) months has had any business dealing with the town.

(4) *Hold the office of Chairman or Vice Chairman in a political party or political party organization.*

On each of the succeeding ^{three}~~two~~ pages I have proposed a change. The change only pertains to subparagraph (4).

TOWN BOARD MEMBERS

Page 2

May 6, 1996

D. Furthermore, no town officer, Town Board member, town employee, town consultant or member of any board serving the Town of New Windsor shall:

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(4) *Hold the office of Chairman or Vice Chairman or any position of leadership and/or office in a political party or political party organization.*

(^{*requested*} This is the language ~~required~~ in a memo from Harold Horowitz to George Meyers dated January 22, 1996.)

TOWN BOARD MEMBERS

Page 3

May 6, 1996

D. Furthermore, no town officer, Town Board member, town employee, town consultant or member of any board serving the Town of New Windsor shall:

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(4) Hold the office of Chairman or Vice Chairman in a political party^{or political party} organization^{or} provided for purposes of this subparagraph ~~that~~ the term "town employee" is defined to include only the following: Assessor, Attorney, Building Inspector, Assistant Building and Zoning Inspector, Comptroller, Engineer, Fire Inspector, Assistant Fire Inspector, Highway Superintendent, Deputy Highway Superintendent, Sanitation Superintendent, Police Chief, Police Lieutenant, Police Sergeant, Recreation Director, Receiver of Taxes, Deputy Receiver of Taxes, Town Clerk, Deputy Town Clerk.

(This is the existing language with a more restrictive definition of "town employee.")

PAC

PAC/PAB

ZBA meets on the 2nd and 4th Monday of each month unless a holiday falls on that date. July and August: One meeting per month only.

PROCEDURE FOR PUBLIC HEARING

Preparations for a public hearing are relatively simple IF YOU READ AND FOLLOW THIS PROCEDURE:

Call Assessor's Office at 563-4633 and request a variance list containing names and addresses of property owners within 500 ft. of the parcel in question. There is a fee for this list and it is based on the number of names/addresses.

When you receive your list from the Assessor's Office, address an envelope for each of the names on the list, add your return address and a first class stamp thereon and hold these in your file. When you have completed all of your applications, public notice of hearing (leave date blank), call Pat at 563-4630 for an appointment to bring in your completed applications, public notice of hearing and envelopes. Also furnish Pat with a copy of your deed, title report, photographs of property together with fees payable to the Town of New Windsor. A HEARING DATE WILL NOT BE SCHEDULED UNLESS ALL OF THE PAPERWORK IS COMPLETED AND RETURNED TO THE SECRETARY.

The public notice of hearing also has to be published one time in The Sentinel, a weekly newspaper, ten days prior to the public hearing. Secretary will make arrangements for the publication of the notice. Applicant is responsible for payment of publication.

Once the public notice of hearing has been reviewed by the Secretary, she will insert the hearing date and ask you to duplicate the notice, insert same in your prepared envelopes and then return the envelopes to Pat for mailing. She will then verify through affidavit of mailing that each person on the Assessor's list was notified.

Two separate checks, one in the sum of \$50.00 (residential) or \$150.00 (commercial) application fee, and a second check in the sum of \$300.00 (residential) or \$500.00 (commercial), the second fee to be held in escrow by Town, both payable to the TOWN OF NEW WINDSOR, are due and must be paid upon return of the completed paperwork. This escrow fee includes stenographic services and consultation charged in the handling of your file. The fee for an interpretation is \$150.00.

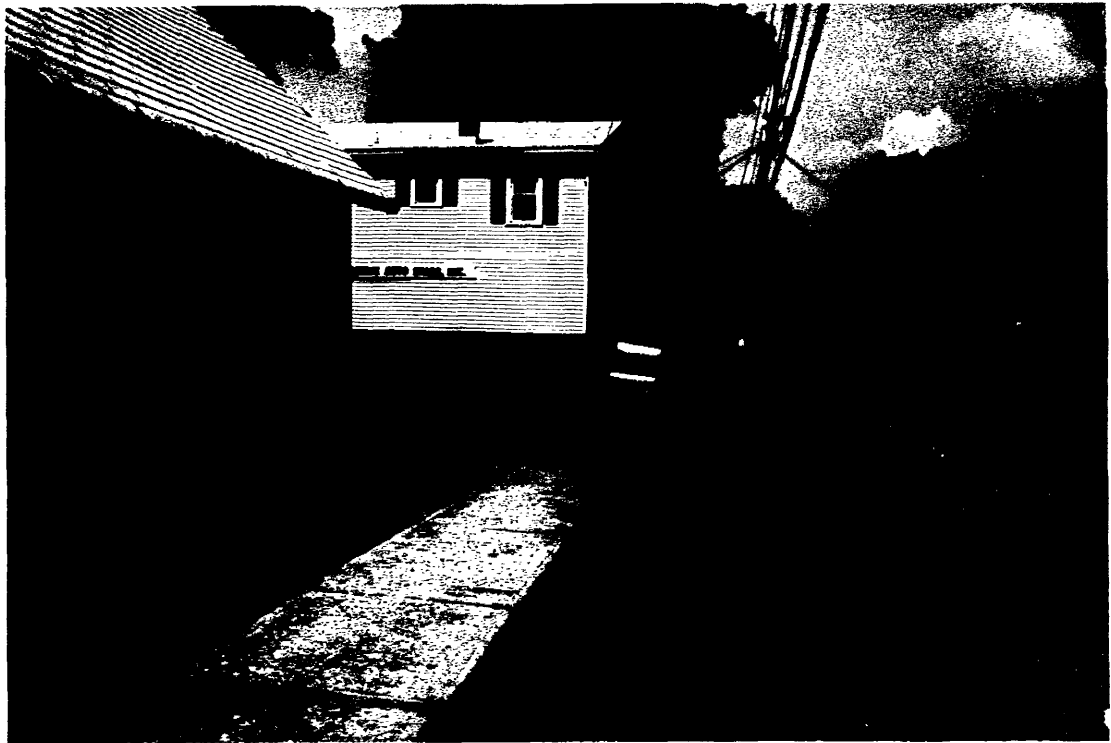
Applicant's check list:

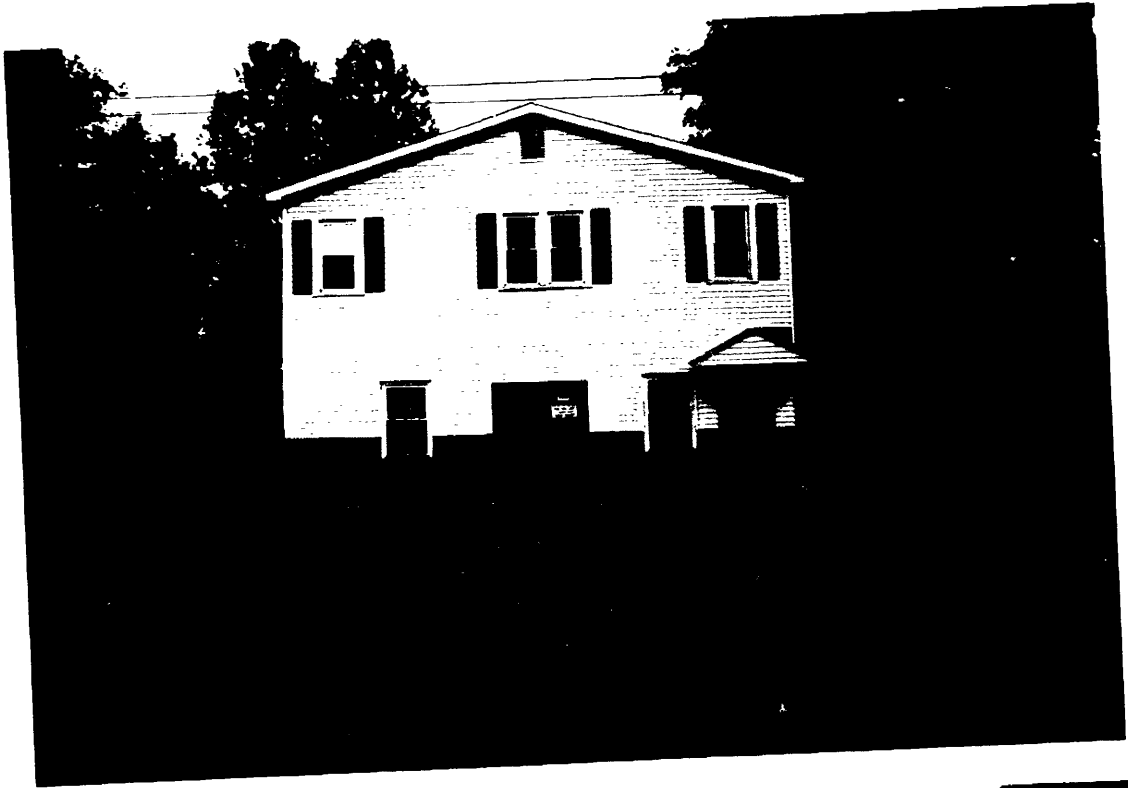
1. Applications (3 copies);
2. Public notice of hearing;
3. Envelopes with names/addresses of adjacent property owners, stamped and ready for notice to be inserted;
4. Fees;
5. Copy of deed, title report, photographs of site.

IMPORTANT NOTE: If your application is approved by the ZBA, you have one (1) year from the date of approval within which to pursue your building plans. A variance becomes null and void after this period. If you are not planning to build within this time period you must apply to the ZBA before this date expires to seek an extension of this variance.

PATRICIA A. BARNHART, Secretary
ZONING BOARD OF APPEALS
Town Hall-555 Union Avenue
New Windsor, NY 12553
(914)563-4630

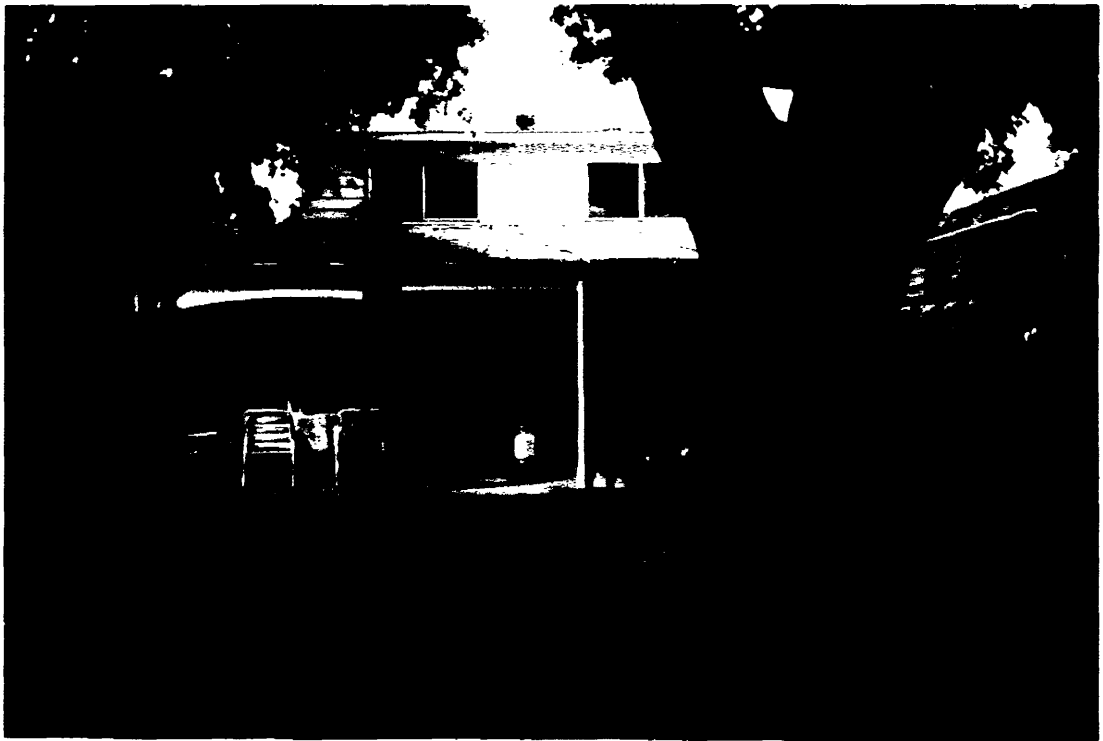


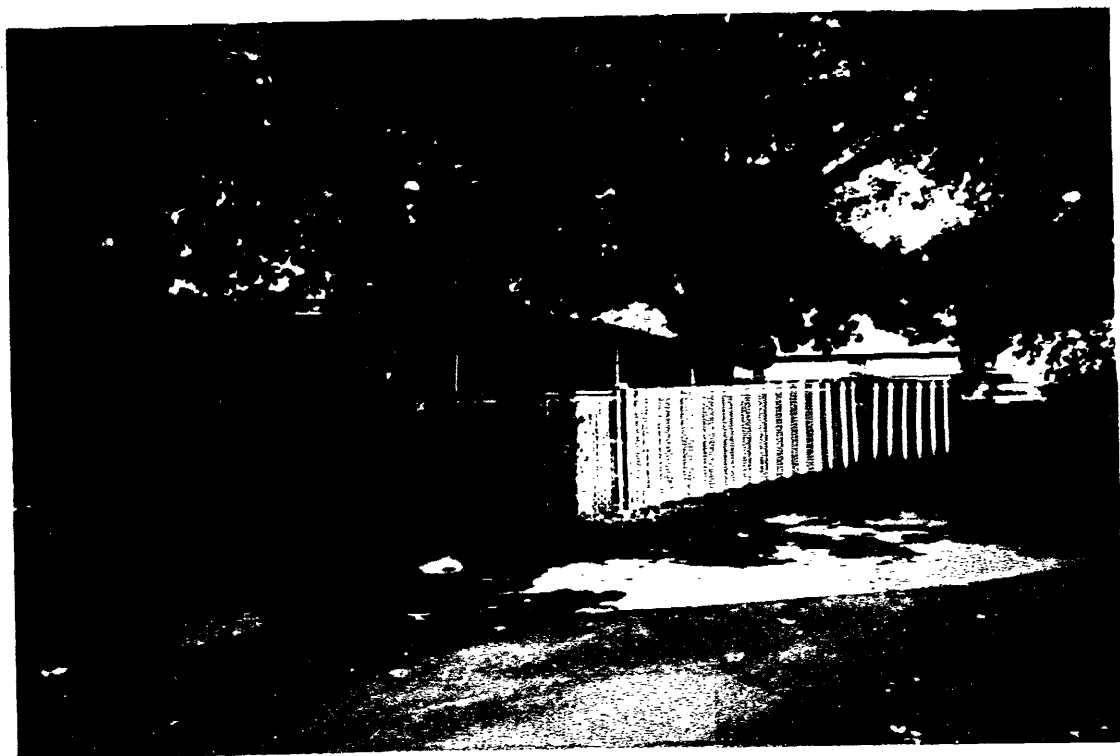








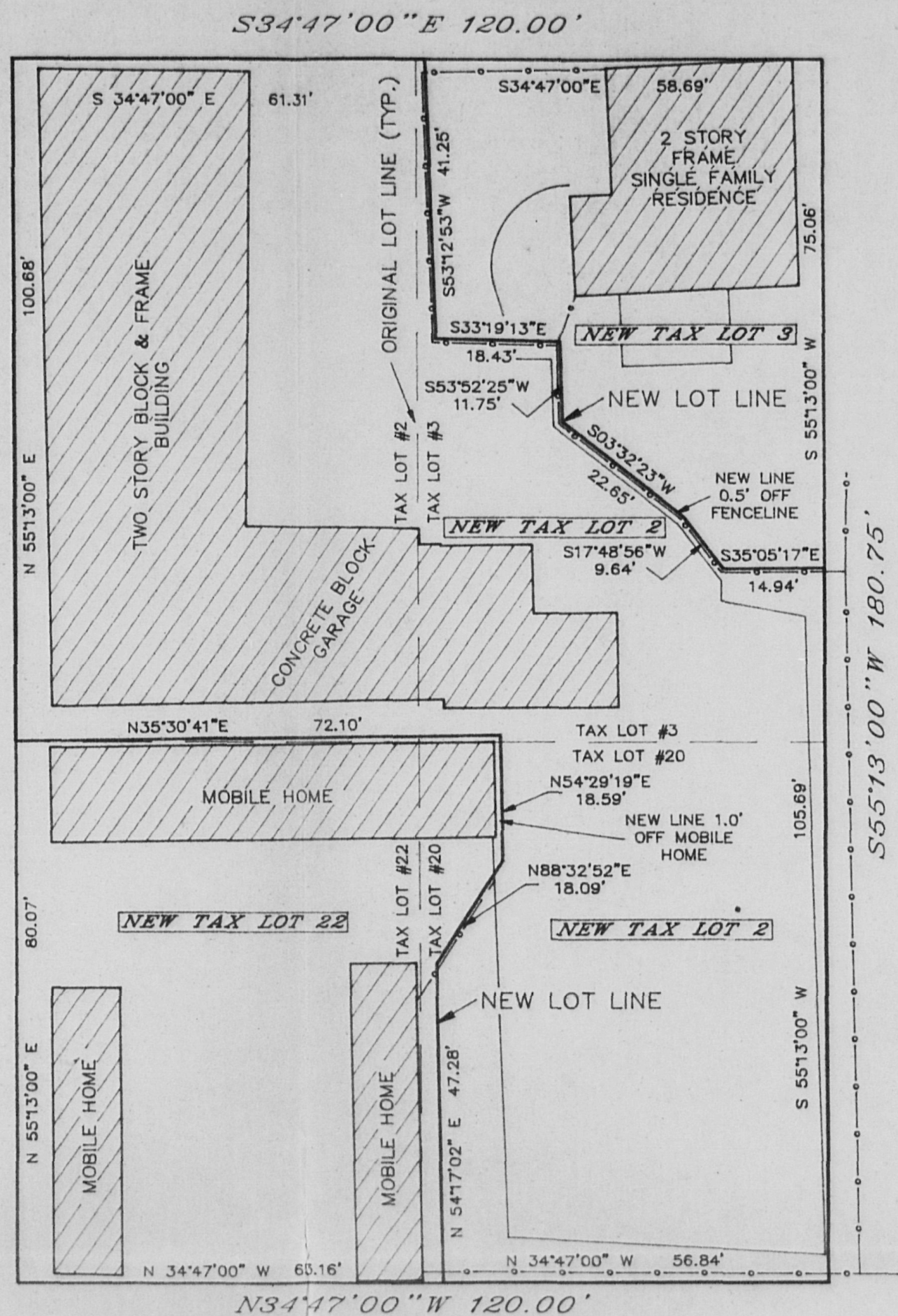
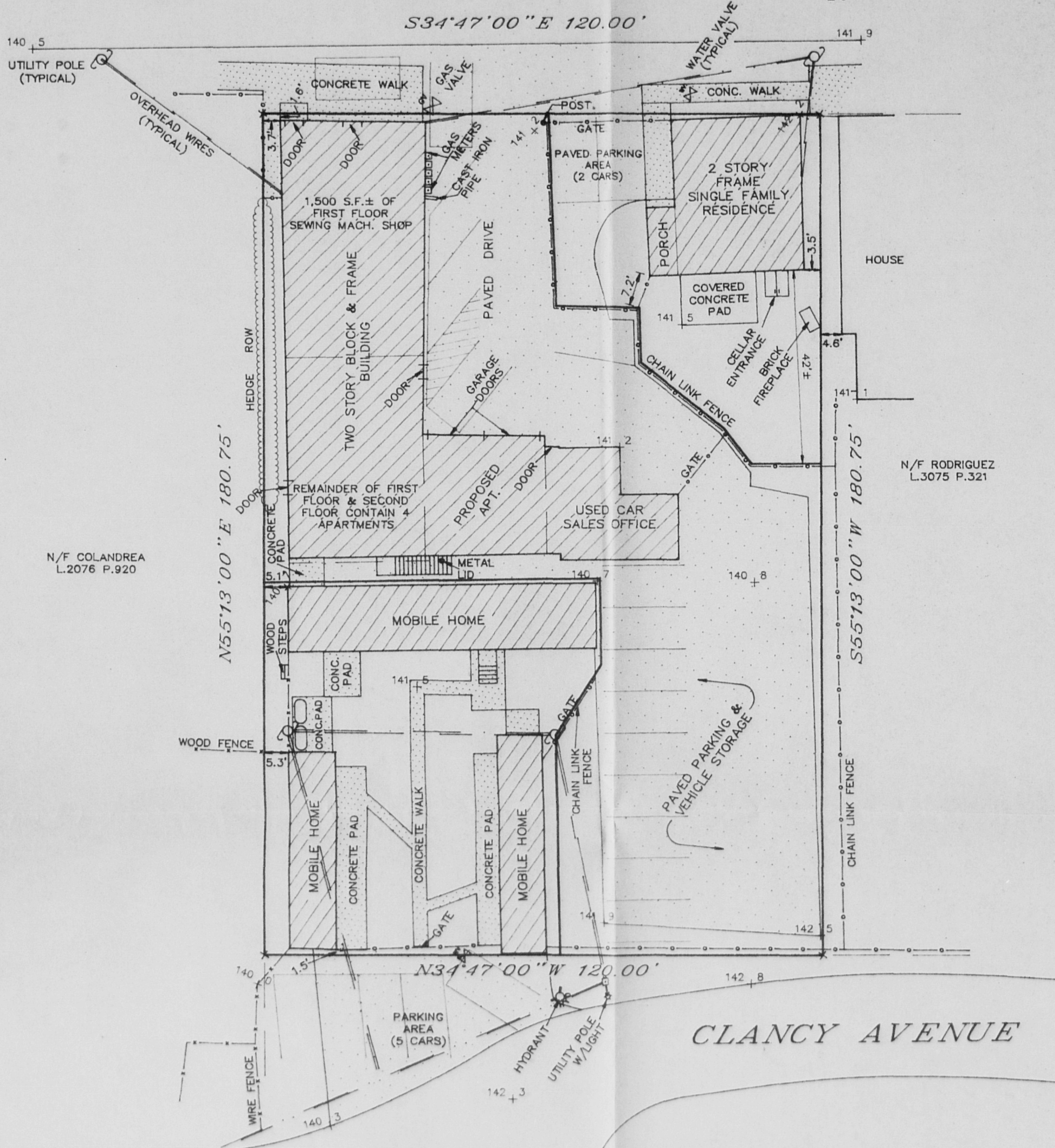






WALSH ROAD

EDGE OF PAVEMENT
 ZONE DISTRICT BOUNDARY WALSH ROAD - $\frac{P.1}{R-4}$



LOT LINE CHANGE PLAN

TABLE OF TAX LOT AREAS

TAX LOT	ORIGINAL AREA	NEW AREA	DEED OF RECORD DEV.	COVERAGE
TAX LOT NO.2	6,045+/-S.F.	12,975+/-S.F.	L.3013 P.273	88%
TAX LOT NO.3	6,045+/-S.F.	3,420+/-S.F.	L.1804 P.588	57%
TAX LOT NO.22	4,800+/-S.F.	5,295+/-S.F.	L.3013 P.273	53%
TAX LOT NO.20	4,800+/-S.F.	COMBINED WITH TAX LOT NO.2	L.3009 P.260	

SINGLE FAMILY RESIDENCE
 R-4 BULK REQUIREMENTS
 (WITH SEWER AND WATER)

LOT AREA	REQUIRED	PROVIDED (Tax Lot 3)
15,000 S.F. Min.		3,420 +/- S.F. *
LOT WIDTH	100' Min.	58.69 *
FRONT YARD SET BACK	35' Min.	0 (Existing Condition) *
SIDE YARD SET BACK	15'/30' Min.	3.5/10.7 *
REAR YARD SET BACK	40' Min.	42' +/-
STREET FRONTAGE	60' Min.	58.69' *
BUILDING HEIGHT	35' Max.	< 35'
LIVABLE FLOOR AREA	1,000 S.F. Min.	1,069
DEV. COVERAGE	30% Max.	57% *

* Variance Required

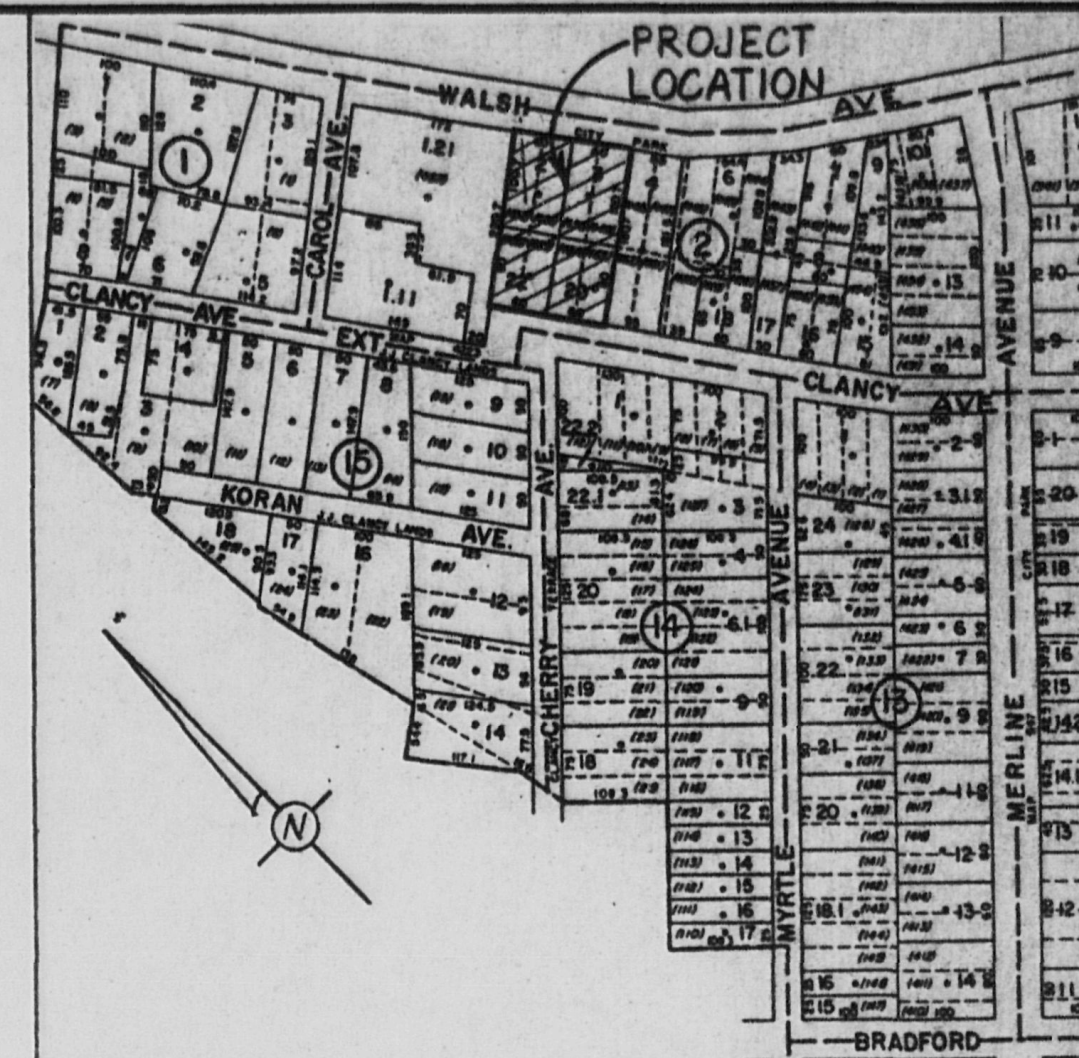
USE TABLE - AFTER LOT-LINE CHANGE

TAX MAP LOT	USE
2	Apartment (Total of 5) Sewing Machine Shop Used Car Sales Office
3	Residential *
22	Mobile Home Park *

OWNERS CONSENT:
 I have reviewed this plan and find it acceptable.

OWNER

TOTAL PARCEL AREA
 21,690+/-S.F.
 0.50+/-Ac.



LOCATION PLAN SCALE: 1"=200'±

NOTES

- Being lands shown on the Town of New Windsor Tax Maps as Section 13 Block 2 Lots 2, 3, 20, and 22. Also being Lots 449 through 452 and 463 through 466 as shown on a map entitled "City Park", said map having been filed in the Orange County Clerk's Office on 30 August 1903 as Map No. 647.
- PROPERTY OWNER/APPLICANT: Carmen Monaco
 120 Walsh Avenue
 New Windsor, New York 12553
- PROPERTY ZONE: R-4
- PROPERTY USE: See Use Table
- TOTAL PARCEL AREA: 21,690 S.F.; 0.50 Ac.
 See Table of Areas
- WATER SUPPLY AND SANITARY SEWAGE DISPOSAL: Town of New Windsor
- Boundaries, location of physical features and topographic information shown hereon is from a field survey completed under the supervision of the undersigned on 17 January 1992.
- Unauthorized addition or alteration to this plan is a violation of Section 7209(2) of the N.Y.S. Education Law.

CERTIFICATION

I hereby certify that this plan resulted from an actual field survey of the indicated premises completed on 17 January 1992 performed in accordance with the Code of Practice adopted by the New York State Association of Professional Land Surveyors, Inc., and is, to the best of my knowledge and belief, correct.

PLANNING BOARD APPROVAL

PLBD. NO. 95-



Greas
 Hildreth P.C.
 33 QUASSACK AVENUE, NEW WINDSOR, NEW YORK 12553
 TEL: (914) 962-9667

REVISIONS	DATE	DESCRIPTION
1		
2		
3		
4		
5		

PLAN FOR:

CARMEN MONACO

SITE PLAN, LOT-LINE CHANGE
 & MOBILE HOME PARK
 FINAL PLAN

RECEIVED JAN 3 1996

96-1